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**Communiqué 5**

**Review of the LCA/NZ Constitution – Phase 1**

**The Interim Report**

7 September 2020

**A message to all members, bodies and agencies of the Lutheran Church of Australia and New Zealand**

Dear Church Member,

Greetings to you as we continue to chart what has proven to be a most unusual year for us all. Right now we particularly remember our Victorian sisters and brothers. We have learnt that, whatever our expectations or plans, we still live by God’s loving care and provision. By God’s grace the church continues, still carrying the light of Christ in a darkening world.

Within that greater reality, the Lutheran Church of Australia and New Zealand (LCA/NZ) continues to do its best to serve God, using the gifts with which God has provided us. One of those gifts is the freedom to band together as followers of Jesus Christ, worshipping and serving him in the Lutheran understanding of the faith.

The purpose of our constitution is to help us do that and do it well. At its formation 54 years ago the LCA/NZ adopted a brand-new constitution. Now, in 2020, we are nine months into Phase One of a major review of that now much modified constitution. This Communiqué gives you a short update on the progress of that review.

**Background to the Review**

At the 2018 General Convention of Synod, the General Church Board (GCB) signalled the need to have a look at the constitution. It then prepared terms of reference giving ten reasons why we need to conduct a major review of our constitution.

The original LCA constitution and By-laws have served us well since 1966. Over the years, however, we have added 27 pages of additional information to the original, most of which is not really required in a legal document. Multiple amendments over the last 25 years have made it a somewhat complex and cumbersome document, difficult in places to use and interpret.

What’s more, newer church members do not have the benefit of a modern-day equivalent to the historic ‘Theses of Agreement’, which were developed progressively over the decades leading up to 1966, as a lens through which to interpret the constitution. The culture, practices and beliefs we want our church to have, as expressed in the Theses, can be found in our existing constitution, but the information is scattered across divergent sections. That’s mostly because the constitution is structured as a legal document rather than as a church charter.

In summary, the GCB considered that the exercise of applying further bandaids to the present constitution would risk causing further confusion and only add to the misalignment with contemporary governance and management principles.

**Purpose and Aim of the Review**

The review is intended to identify and analyse key issues and establish key principles that will be presented to the Convention of Synod for approval as the framework to guide the development of a new constitutional structure. The aim is to achieve an enduring constitutional structure that reflects who we are, why we exist, how we are governed, is consistent with contemporary standards, and is of such a nature that it will require minimal changes over time.

Please note that this review is not a review of our beliefs or theological practices. It’s true that feedback to this review to date has included comments that we need to talk more about our theology and practices (e.g. the ordination of women, more flexible liturgy, more ‘welcoming of the stranger’ etc), but those discussions do not form part of this constitutional review.

I also want to assure church members that this review is fully focused on ensuring that any proposal for a revised constitutional framework will continue to focus providing support to LCA/NZ congregations and other local LCA/NZ faith communities – even as the world, and our membership, continues to change.

**How we are conducting the Review**

We are taking the review process slowly to ensure widespread consultation and support.

To date approximately 250 church members have engaged with the review process in one way or another. The review team and the facilitators have listened to these thoughts and opinions most carefully. Some people have completed surveys, others have written submissions, some have participated in working groups, and still others have been involved in telephone interviews.

The groups of people that have participated in this review to date include congregational members, Synod members, pastors, young people, people involved in cross-cultural ministry, people involved in aged care ministry, ministry to Indigenous Australians, schools ministry, community services ministries, Australian Lutheran World Service, bishops, GCB members, members of the Standing Committee on Constitutions, district administrators and others.

Over the next three months we plan to hear more from church members, pastors, members of church boards and those involved in church agency mission and ministry.

**Results to date**

The review has confirmed earlier investigations by the LCA Standing Committee on Constitutions and what it concluded two years ago – that the existing constitutional document requires re-constituting and re-ordering – in short, a re-formation.

Responses show that most church members support having new, easier to read documentation. They also appear to want to remedy the lack of clarity in several parts of our existing constitution and add clarifying definitions. They would like to see our separate General and District Synods constitutionally linked and working together more. They would also like to simplify the definition of ‘membership’ of congregations to bring our definitions in line with typical practice.

Church members have also identified some of the changes they would like to see. The detailed two-volume Interim Report available for you provides a fuller outline of what these are. In summary, the most significant suggested improvements are:

***Regroup our current large document into three separate but related documents***

To date, church members are indicating that, without losing anything from the existing constitution, they would like to reorder its contents into three distinct documents – a ‘Church Charter’, a ‘Book of Rules’ and a ‘Constitution’ for our legal structure. (*Noting that these are not necessarily the final titles of these three documents.*)

*An LCA/NZ ‘Church Charter’*

Church members are currently saying they would prefer our church’s pre-eminent public document to firstly be a ‘Charter’ and only secondly be a secular legal document. Church members also say they would prefer a foundational document that starts off by saying ‘Jesus Christ is its one Lord and Head…’ rather than leaving that confession until, as currently, right down the list at Clause 6.1 on page 4. Our current constitution is primarily designed as a legal instrument, so it begins by stating that we are ‘An Association incorporated under the Associations Incorporation Act, 1956-1965 of the State of South Australia’. It then goes on to state our name and list definitions, rather than acknowledging Christ from the outset.

Church members who have so far responded to the review are telling us the way forward for the 21st Century is to learn from the ‘multiple documents’ approach used in 1966. ***For the future, the preference seems to be for a concise, pre-eminent ‘Church Charter’, based on Scripture and the Lutheran Confessions, which would include a high-level summary of our church.*** The ‘Church Charter’ would perform a modern-day function (of inspiration, education, unity and guidance) similar to that of the Theses of Agreement in 1966. Such a ‘Church Charter’ would give primary witness to the Christ of Scripture, be faithful to the Lutheran Confessions (the Book of Concord of 1580), and be consistent with the LCA/NZ’s current collection of Doctrinal Statements and Theological Opinions (DSTOs).

The ‘Charter’ can also fill in some key blanks within the existing constitution. For example, we proudly say in our public documents that we are a synodical church but there is no clear explanation or definition in our existing constitution of the role and purpose of a Convention of Synod. It simply says: ‘*The power of the Church shall be exercised through the General Synod, which shall be the highest constitutional authority of the Church, with power to direct and control those to whom it has entrusted tasks or has delegated authority.*’ (Clause 7.1) It is limited to describing the mechanics: who can attend, who can vote, the synodical term and some procedural, decision making and delegation procedures. But what is the key role and purpose of a synod? It is not stated. This is a particularly important question in the contemporary world in which we serve. As contemporary society catches up with the good stewardship Christian churches have practised for a century or more, it now also expects us, in turn, to articulate and practise good, clear and robust governance.

So, should we choose to re-order our constitution in this way, our ‘Church Charter’ would begin by acknowledging Jesus Christ as Lord and Saviour and Head of his Church. It would then go on to state clearly and boldly, in simple modern English:

* Who we are;
* What we believe;
* Why we come together as church;
* Our context (i.e. Australia and New Zealand);
* Our purpose (our existing key objects)
* How we plan to achieve our purpose (the strategies listed in our other existing objects); and
* How we will relate to each other in doing so – our key processes, structures, offices and authorities.

Almost all this information is already available in our existing constitution, but it is scattered. That’s because it’s ordered to suit the standard template for a secular Association rather than purposely written as a quality ‘Church Charter’ to both inspire us and meet the present needs of our Church.

*An LCA/NZ ’Book of Rules’*

Since our constitution and by-laws were first adopted in 1966 we have added 27 pages, mostly of procedures. Mostly these are not needed in either a ‘charter’ or a ‘constitution’ so we might propose that ***we gather them together for easy reference and maintain them as a ‘Book of Rules’ – a collection of the standard operating regulations, policies and procedures of the LCA/NZ.***

*An LCA/NZ legal structure ‘Constitution’*

***We would continue to have a legal document (that supports what we say in our ‘Charter’) in order to have a legal structure, meet secular requirements and provide legal protections for our church***. The current legal framework we have is that of an incorporated ‘Association’. Whether this is the best structure for us to maintain requires further significant investigation. A not-for-profit ‘Company’ framework, such as we currently have for Australian Lutheran College, might work better.

If we proceed in this way, and because we will have a pre-eminent ‘Church Charter’, our future ‘constitution’ can be as short a document as possible.

**Other Key Proposals**

* A focus on supporting ministry and mission with greater constitutional support for the diverse forms of ministry that now exists, including cross-cultural ministry and ministry in Indigenous communities. This will enable local ministry flexibility within theological and administrative good order.
* Simplify the number of categories of ‘member’ in congregations.
* Link our separate District Synods with General Synod constitutionally, through unifying and making consistent the ‘delegate to Synod’ election process throughout the church.
* Formally changing our name (if possible) to the Lutheran Church of Australia and New Zealand.
* Ensuring all our processes meet modern standards of good governance.
* Using simple language and adding clarifying statements and/or definitions throughout to ensure our revised constitutional documents are clear and easy to read.

No proposed changes to the type of structures within our church arise from the review (and any such proposals would be need to addressed through a distinct, separate process), nor to any of the ‘powers and authorities’ contained in our existing constitution. (It is true that some respondents did want to change some of these matters but most only want to re-form and re-order the information in the existing constitution, improve some key processes and add clarifying statements).

**For more information** about what the review is saying about a possible new constitutional framework please read (and respond if able) to the **Interim Report** available on the [review webpage](http://www.google.com/url?q=http%3A%2F%2Fwww.lca.org.au%2Fconstitution-review&sa=D&sntz=1&usg=AFQjCNFuTRkd3jCEvVzVEWQJ1hVxtCTmxA).

I encourage you to read at least the first part of the Interim Report and join in the discussions which are taking place all across our church. Together, we will find agreement as to what we should propose to the next Convention of General Synod about how best to improve our existing constitution for our ongoing journey into the 21st Century.

Please provide your feedback on the Interim Report and its Recommendations - and any ideas you have about updating the LCA/NZ constitution, to your local district. Your local district is collecting feedback and providing church member thoughts to the review team. If you are a church-wide body, join in the church-wide discussions.

**The contact, email address and phone numbers for your feedback are**:

Lutheran Church of New Zealand:

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*Adelaide, 2 September 2020*