

CONSTITUTION

LUTHERAN CHURCH OF AUSTRALIA INC.

An Association incorporated under the Associations Incorporation Act, 1956-1965 of the State of South Australia.

PREAMBLE

This Constitution was adopted by the Closing Conventions of The Evangelical Lutheran Church of Australia Incorporated and of The United Evangelical Lutheran Church in Australia Incorporated, both held on October 27 and 28, 1966, and by the Constituting Convention of the Lutheran Church of Australia Incorporated on October 29, 1966.

ARTICLE 1. NAME AND INTERPRETATION

- 1.1 The name of this Church is LUTHERAN CHURCH OF AUSTRALIA INC..
- 1.2 In this Constitution and the By-laws made there under, unless the context or subject matter otherwise requires:
 - 1.2.1 'Act' means the Associations Incorporation Act 1985 (SA) 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;
 - 1.2.2 '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 'Church' means the Lutheran Church of Australia Incorporated;
 - 1.2.4 'church worker' means any person whose name is listed on the Register of Church Workers provided for in the By-laws of the Church;
 - 1.2.5 'congregation' means a group of persons 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;
 - 1.2.6 'District' means a prescribed geographical area or other sector established by the Church to further the Objects of the Church;
 - 1.2.7 'Evangelical Lutheran Church' is a generic reference to churches throughout the world which proclaim the Gospel of Jesus Christ as understood and confessed in the Book of Concord of 1580;
 - 1.2.8 'General Church Board' means the voting members of the Church elected to administer the affairs of the Church;
 - 1.2.9 'lay member' means any member of a congregation of the Church other than a pastor;
 - 1.2.10 'parish' means a congregation or a group of congregations forming an entity which is served by one or more pastors;
 - 1.2.11 '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 according to Article 5.1;
 - 1.2.12 '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;
- 1.2.13 'teacher' means any pastor or lay member called or appointed by the Church or by any of its Districts or congregations to serve on the teaching staff of a school or educational institution established and maintained by the Church or District or congregation;
- 1.2.14 'Zone' means a prescribed geographical area or other sector within a District of the Church; and
- 1.2.15 words importing the singular number shall be deemed to include the plural number.

ARTICLE 2. CONFESSION

- 2.1 The Church 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.
- 2.2 The Church 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 Objects of the Church 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 in the preceding 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 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 to provide institutions and agencies for this purpose; and
 - 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
- 3.2.1 The property and income of the Church shall be applied solely towards the promotion of the objects or purposes of the Church and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Church, except in good faith in the promotion of those objects or purposes.
 - 3.2.2 A payment may be made to a member out of the funds of the Church only if it is authorised under the following clause 3.2.3.
 - 3.2.3 A payment to a member out of the funds of the Church is authorised if it is
 - 3.2.3.1 payment in good faith to the member as reasonable remuneration for any services provided to the Church, or for goods supplied to the Church, in the ordinary course of business; or
 - 3.2.3.2 payment of interest, on money borrowed by the Church from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - 3.2.3.3 payment of reasonable rent to the member for premises leased by the member to the Church; or
 - 3.2.3.4 reimbursement of reasonable expenses properly incurred by the member on behalf of the Church; or
 - 3.2.3.5 making a payment or providing a benefit to a member in carrying out the objects of the Church for charitable purposes.

ARTICLE 4. MEMBERSHIP

- 4.1 The membership of the Church shall consist of congregations of baptised members. Such congregations shall
 - 4.1.1 accept and hold the Confession of the Church;
 - 4.1.2 accept the Constitution and By-laws of the Church;
 - 4.1.3 submit a Constitution and By-laws acceptable to the Church; and
 - 4.1.4 undertake to participate in the work of the Church and to promote its Objects.
 Such member-congregations shall be recorded in the official Roll of Congregations and shall exercise their membership rights in accordance with the representation requirements outlined in the following Article 7.3.1.

- 4.2 In cases where baptised Christians have been accepted by the Church as members of the Church and where they gather together as a body that is not formally constituted, such a body shall be enabled to participate in a similar way as a congregation of the Church, provided that it
- 4.2.1 engages with and gains the approval of the College of Bishops and the General Church Board by providing to them
 - 4.2.1.1 an indication that it accepts and holds to the Confession of the Church;
 - 4.2.1.2 an indication that it accepts the Constitution and By-laws of the Church;
 - 4.2.1.3 evidence of its situation to indicate the extent to which it functions in a similar way to that of a congregation of the Church while not yet constituted as such; and
 - 4.2.1.4 such other evidence as may be requested; and then
 - 4.2.2 be acknowledged by the General Church Board as a member of the Church in a similar way to that of a constituted congregation by entering into a documented agreement.
- Upon the satisfaction of the requirements in clauses 4.2.1 and 4.2.2, the Church shall accept such a body into membership and the body shall then be recorded in the official Roll of Congregations in a specified category and accorded the membership rights of a congregation of the Church and the relevant District.
- 4.3 Membership in the Church may be terminated by action of the congregation or by action of the Church as prescribed in the By-laws.
- 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 the property or funds of the Church; but nothing herein contained prevents the Church from giving effect to any decision, award, or recommendation made by any Church tribunal in accordance with the By-laws in consequence of any such termination of membership.

ARTICLE 5. THE MINISTRY

- 5.1 The Church recognises and upholds the Office of the Ministry as the office divinely instituted for the public administration of the Means of Grace. For this purpose it shall receive into its Ministry, by ordination or by colloquy of ministers ordained elsewhere, men whose qualifications for the office have been established and who
- 5.1.1 accept and hold the Confession of the Church;
 - 5.1.2 accept the Constitution and By-laws of the Church; and
 - 5.1.3 undertake to participate in the work of the Church and to promote its Objects.
- Such members of the Ministry shall be recorded in the official Roll of Pastors.
- 5.2 A conference of the members of the Ministry, called the General Pastors' Conference, shall be held in conjunction with the regular convention of the General Synod of the Church and at such other times as may be determined by the General Synod or the General Church Board.
- 5.3 A pastor may resign from the Ministry of the Church or may be suspended or dismissed from such Ministry by action of the Church as prescribed in the By-laws.

ARTICLE 6. AUTHORITY AND POWERS

- 6.1 The Church acknowledges that Jesus Christ is its one Lord and Head, and that all power and authority exercised by the Church must be governed by his will as revealed in his Word.
- 6.2 The Church 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 authority to carry out its Objects as set forth in this Constitution and to perform such other acts as may be incidental thereto.
- 6.3 The Church, in accordance with the provisions of this Constitution, shall have power and authority to make rules and regulations for the administration of its affairs.
- 6.4 The Church shall have power to delegate the exercise of its authority to such persons and in such manner as it may deem advisable.
- 6.5 The Church 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 any guarantee or indemnity with or without security solely or jointly with any other corporation or natural person for the payment of money or the performance of any contract, obligation or undertaking by any person, firm, corporation or association as it may deem necessary for the effective promotion of any or all its activities.
- 6.6 The Church shall have power to do all such things as the Church may think incidental or conducive to the attainment of the Objects of the Church or any of them.
- 6.7 The jurisdiction of the Church over the congregation shall, subject to this Constitution and the By-laws, include the following rights:
- 6.7.1 to ensure faithful adherence to the Confession of the Church;
 - 6.7.2 to apply discipline when departure from the doctrine of the Church is evident;
 - 6.7.3 to enlist wholehearted cooperation in the program approved by the Church in the fulfilment of its Objects; and
 - 6.7.4 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 Church has granted or lent money to such congregation or otherwise holds any interest in the property of such congregation.

ARTICLE 7. THE GENERAL SYNOD

- 7.1 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.
- 7.2 The General Synod shall consist of
- 7.2.1 lay delegates of the congregations;
 - 7.2.2 pastor delegates;
 - 7.2.3 the members of the General Church Board;

- 7.2.4 chairpersons of boards and councils unless already eligible under 7.2.1, 7.2.2, or 7.2.3;
 - 7.2.5 all Bishops unless already eligible under 7.2.2, or 7.2.3;
 - 7.2.6 one [1] secondary and one [1] primary school principal elected from each region of Lutheran Education Australia by the principals of that region;
 - 7.2.7 past Bishops of the Church; and
 - 7.2.8 three [3] pastors emeriti nominated by the General Church Board who shall comprise the voting members.
- 7.3 7.3.1 The unit of representation for the congregations shall be the parish. Each parish shall elect one lay member for every four hundred [400] confirmed members or part thereof, or such other number as may from time to time be prescribed by the By-laws, to serve as its lay delegate(s) for a synodical term.
- 7.3.2 7.3.2.1 The pastor delegates shall be elected for a synodical term in the manner prescribed by the By-laws on the basis of one [1] pastor for every two [2] eligible lay delegates in each District.
- 7.3.2.2 The immediate past year's statistics shall be used as the basis for the number of eligible lay delegates.
- 7.4 7.4.1 All delegates shall serve from the commencement of the regular convention of the General Synod to the commencement of the regular convention of the next General Synod, and shall be eligible for re-election or re-appointment.
- 7.4.2 The members of the General Church Board shall serve from the conclusion of the regular convention of the General Synod at which they were elected to the conclusion of the regular convention of the next General Synod, and shall be eligible for re-election subject to the limitations hereinafter contained.
- 7.5 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.
- 7.6 In the absence of a delegate at a convention of the General Synod the right to vote may be accorded to an alternate appointed in a manner laid down in the By-laws to exercise that right. The By-laws may provide that the alternate for a lay delegate of a parish need not necessarily be a lay member.
- 7.7 Such other persons as may be prescribed by the By-laws shall be entitled to attend meetings of the General Synod as consultants without any right to vote.
- 7.8 The length of the synodical term shall be three [3] years unless otherwise prescribed in the By-laws.
- 7.9 The General 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 General Church Board. Notice of such regular convention shall be given to the members of the Church by the Secretary at least six [6] months prior to the meeting.
- 7.10 A special convention of the General Synod
- 7.10.1 may be convened by the Bishop with the consent of the General Church Board; or

7.10.2 shall be convened by the Bishop at the request of the General Church Board or of a District of the Church in synod assembled.

Notice of a special convention stating its purpose shall be given to the delegates and congregations of the General Synod by the Secretary at least four [4] weeks prior to the holding of the special convention.

7.11 When the General Synod is not in session, matters of urgency may be referred by the General Church Board to the delegates of the General Synod for determination in the manner prescribed by the By-laws.

7.12 Subject to this Constitution and the By-laws, the General Synod may determine its own procedure.

7.13 The General 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.

ARTICLE 8. OFFICERS AND ADMINISTRATION

8.1 The Officials of the Church shall be a Bishop and an Assistant Bishop. They shall be elected for a term of office determined by the Church. The Bishop and the Assistant Bishop shall be pastors of the Church.

8.2 The Church shall have a Secretary who shall be an executive officer of the Church and shall undertake administrative duties including those normally undertaken by a secretary and treasurer.

8.3 8.3.1 The Church shall have a General Church Board which shall consist of
8.3.1.1 the Bishop and the Assistant Bishop; and
8.3.1.2 one [1] pastor and six [6] lay members who are voting members of congregations on the Roll of Congregations of the Church and who shall be elected by the General Synod from eligible candidates submitted as nominations from the Standing Committee on Nominations.

8.3.2 The General Church Board shall have authority between the conventions of the General Synod to make decisions within the limits prescribed by the By-laws.

8.3.3 The duties of the General Church Board shall be as prescribed by the By-laws.

8.3.4 The General Church Board shall have the following Standing Committees which shall provide advice in accordance with the Terms of Reference for each as determined by the General Church Board:

8.3.4.1 The Standing Committee for Nominations;

8.3.4.2 The Standing Committee on Constitutions; and

8.3.4.3 The Standing Committee for Finance, Audit and Risk.

8.4 The Church shall have a College of Bishops which shall have oversight of the theological, confessional, pastoral and worship life of the Church.

8.4.1 The composition and duties of the College of Bishops shall be as prescribed by the By-laws.

- 8.4.2 The College of Bishops shall have the following Commissions which shall provide advice in accordance with the Terms of Reference for each as determined by the General Church Board:
- 8.4.2.1 Commission on Theology and Inter-Church Relations;
 - 8.4.2.2 Commission on Worship; and
 - 8.4.2.3 Commission on Social and Bioethical Questions.
- 8.5 The Church shall establish boards and councils as it may deem necessary for the carrying out of its Objects. The rights and duties of such boards and councils shall be as prescribed by the By-laws.
- 8.6 The Church shall establish as many full-time executive offices for boards of the Church 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.
- 8.7 The Church shall appoint such commissions, tribunals, and other bodies and officers as it may deem necessary, and shall prescribe their duties.
- 8.8 The Church shall appoint a Public Officer, who shall hold office at the pleasure of the Church, and who, subject to the General Church Board, shall carry out the duties laid down by the Associations Incorporation Act, 1985, of South Australia.
- 8.9 The members for the time being of the General Church Board and the Secretary shall be the Sealholders of the Church. The Seal of the Church shall be affixed only by the authority of a resolution of the Executive, referred to in the By-laws, of the General Church Board and two [2] Sealholders shall sign every document to which the Seal is affixed. The Secretary of the Church shall be the custodian of the Seal.
- 8.10 All Officials, Boards, Standing Committees, and appointees of the Church shall have such rights only as have been expressly conferred upon them by the Church, 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 General Synod, and between conventions of the General Synod to the General Church Board.
- 8.11 The Church may from time to time approve the establishment of Auxiliaries, which shall have constitutions of their own. Such constitutions and any amendments thereto shall be subject to the approval of the General Synod or the General Church Board.

ARTICLE 9. DISTRICTS

- 9.1 For the promotion of its Objects by its members in prescribed geographical areas, the Church shall be divided into Districts. The number and the boundaries of the Districts shall be determined by the Church in consultation, and by agreement, with the Districts concerned and be defined in the By-laws.
- 9.2 The Constitution and By-laws Part A of each District shall be in accordance with the Constitution and By-laws Part A for Districts prescribed by the By-laws, subject to such additions or modifications as may be required by the law of the State or country within which the District is located, or as may be necessary or expedient by reason of local

conditions or otherwise, provided that all such additions and modifications shall be approved by the General Synod or the General Church Board.

- 9.3 Each District in its area shall
 - 9.3.1 exercise general supervision over the members of the Ministry and the congregations of the Church;
 - 9.3.2 collaborate with the Officials and boards of the Church in carrying out the work undertaken by the Church; and
 - 9.3.3 carry out such additional duties and responsibilities as are assigned to the Districts in the By-laws of the Church or by resolution of the Church.
- 9.4 Each District may be divided into Zones in the manner prescribed by the Constitution and By-laws of the District. A meeting of the congregations and pastors in each Zone, called the 'Zone Conference', shall be held as determined from time to time by the District or the Zone.

ARTICLE 10. DISCIPLINE, ADJUDICATION AND APPEALS

- 10.1 Ecclesiastical discipline shall be exercised in the Church
 - 10.1.1 by a congregation against any one of its members who
 - 10.1.1.1 departs from the Confession of the Church; or
 - 10.1.1.2 manifestly leads an ungodly life;
 - 10.1.2 by those to whom such authority is given in the By-laws 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 or resolutions of the Church or of the respective District, parish or congregation; and
 - 10.1.3 by those to whom such authority is given in the By-laws against a congregation if it
 - 10.1.3.1 departs from the Confession of the Church; or
 - 10.1.3.2 refuses to exercise discipline against any of its members, pastor, teacher or other church worker; or
 - 10.1.3.3 persistently disregards the Constitution, rules, or resolutions of the Church or of the respective District or parish.

The manner in which such ecclesiastical discipline shall be instituted, the action to be taken and the rights of appeal, shall be governed by Scriptural principles, and shall be as laid down in the By-laws.
- 10.2 The Church shall have authority to adjudicate upon matters
 - 10.2.1 which pertain to the interpretation of the Constitution, By-laws, rules or resolutions of any of the following:
 - 10.2.1.1 the Church;
 - 10.2.1.2 Districts;
 - 10.2.1.3 congregations; or
 - 10.2.1.4 parishes; or
 - 10.2.2 which are in dispute between any of the following:
 - 10.2.2.1 the Church;
 - 10.2.2.2 Districts;
 - 10.2.2.3 congregations;

- 10.2.2.4 parishes;
- 10.2.2.5 pastors in their capacity as pastors; or
- 10.2.2.6 lay members in their capacity as lay members; or
- 10.2.3 which are submitted to the Church and accepted by it for adjudication.

- 10.3 The Church shall establish a judicial system to deal with discipline and adjudication. The rules governing such judicial system shall be laid down in the By-laws.

ARTICLE 11. DISSOLUTION

- 11.1 Any motion for dissolution or amalgamation shall be resolved by a special resolution and shall be made according to the following procedure:
- 11.1.1 Written notice of a motion specifying such action shall be given to the delegates of the General Synod.
 - 11.1.2 At least thirty [30] days written notice of a General Synod, specifying such action as a special motion, shall be given to the delegates of the General Synod.
 - 11.1.3 The motion must be presented at a duly constituted General Synod and shall require a majority of not less than three-quarters [3/4] of all the registered delegates of the General Synod.
- 11.2 In the event of any action for dissolution or amalgamation, the Church shall determine any action for the transfer or disposal of the assets by the Church to another body of a similar confessional nature. Such determination shall be made by a special motion and shall be taken in conjunction with any such action.
- 11.3 The Church shall take all steps required to implement the special resolution for action under this clause, including the making of changes required in respect of incorporation under the Act and/or other relevant legislation.

ARTICLE 12. BY-LAWS

- 12.1 The Church shall have power at a convention of the General Synod to make By-laws 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.
- 12.2 Where a convention determines, without prior notice on the agenda of a proposal to amend, alter, add to or repeal a By-law, to deal with any such matter, the Bishop may use absolute discretion to defer consideration thereof and voting thereon until the next day.

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 majority of not less than two-thirds [2/3] of all the delegates registered at the convention.

- 13.3 In the case of Australian Lutheran College, special permission is granted to the General Church Board 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.

BY-LAWS OF THE CHURCH

SECTION 4. MEMBERSHIP

Reception Into Membership

- 4.1 A congregation seeking membership in the Church 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 constitution in which it
- 4.1.1 accepts and holds the Confession of the Church;
 - 4.1.2 accepts the Constitution and By-laws of the Church and of the District;
 - 4.1.3 undertakes to participate in the program and work of the Church and of the District;
 - 4.1.4 agrees that where it cannot reach an amicable settlement on a 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;
 - 4.1.5 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 3.1 of the Constitution of the Church.
- 4.2 Upon receipt of an acceptable application for membership the Bishop of the District with the approval of its Church Council shall admit the congregation 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.

Withdrawal From Membership

- 4.3 A congregation may withdraw from membership in the Church by adopting the following procedure:
- 4.3.1 The resolution of a congregation indicating the desire to withdraw must be adopted at a legally constituted meeting of the congregation and shall require a majority of not less than 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.
 - 4.3.2 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.
 - 4.3.3 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.
 - 4.3.4 The final motion to withdraw shall require a majority of not less than two-thirds [2/3] of all the voting members of the congregation. 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.

- 4.3.5 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 judicial system of the Church.

Preaching Centres

- 4.4 The Church recognises the existence of groups of persons 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. Such a group of persons has the status of being a preaching centre. The Church recognises that a preaching centre has the same spiritual privileges and responsibilities as a congregation, and those who belong to a preaching centre are regarded as persons belonging to the Church. However, a preaching centre does not hold membership in the Church as defined in Article 4.1 of the Constitution.

SECTION 5. THE MINISTRY

SECTION 5.1 RECEPTION INTO THE MINISTRY AND ASSIGNMENT

Candidates for the Ministry

- 5.1.1 A candidate for the office of the Ministry in the Church shall be a person who has
- 5.1.1.1 indicated willingness for and dedication to this office;
 - 5.1.1.2 been found as being of sufficient standard in theological knowledge for this office and of sound confessional standing;
 - 5.1.1.3 indicated willingness to accept a call or appointment; and
 - 5.1.1.4 whose ordination has been approved by the College of Bishops.
- 5.1.2 5.1.2.1 A candidate shall be a graduate of Australian Lutheran College, or shall have other certification from the teaching staff of the Australian Lutheran College, and shall be endorsed for ordination by the Principal of Australian Lutheran College; or
- 5.1.2.2 a candidate shall be a graduate of a seminary of a Lutheran Church with which the Church is in fellowship, and shall be endorsed for ordination by the Faculty of that seminary according to the requirements of the Church; or
 - 5.1.2.3 a candidate who is not a graduate of the Australian Lutheran College but has completed a course of instruction approved by the General Church Board whose preparation for ordination satisfies the College of Bishops and who is called for a ministry of Word and Sacrament in a situation which arises out of a particular need or opportunity for mission, may be accepted for special service and approved by the College of Bishops for ordination as a pastor with alternate training to serve in a particular sphere of ministry; or
 - 5.1.2.4 a candidate
 - 5.1.2.4.1 who is a graduate of a seminary of a Lutheran Church with which the Church is not in fellowship; or
 - 5.1.2.4.2 who is or has been a member of the Ministry of another denomination
 shall be approved through a colloquium orthodoxiae conducted by a committee, consisting of not less than three [3] pastors, which is appointed from case to case by the Bishop of the Church.
- 5.1.3 Every candidate, before entering the Ministry of the Church, shall be required to sign a declaration accepting the Constitution and By-laws of the Church.

Assignment of Candidates for the Ministry

- 5.1.4 5.1.4.1 A candidate's first call or appointment as a pastor of the Church shall be assigned by the College of Bishops serving as the Committee on Assignments.
- 5.1.4.2 The Committee on Assignments shall receive recommendations concerning the graduates of the Australian Lutheran College from the teaching staff, and it shall receive applications for assignment from parishes, boards of the Church, committees of a District, or other approved agency.

Ordination of Candidates for the Ministry

- 5.1.5 5.1.5.1 The Bishop of the Church shall be responsible for the ordination of an approved candidate for the Ministry.
- 5.1.5.2 The Bishop of the Church may authorise the Bishop of a District or other deputy to ordain a candidate, assisted where possible by one or more pastors.
- 5.1.5.3 Ordination of candidates for the Ministry may take place in home congregations, but good reasons may suggest ordinations be held elsewhere.
- 5.1.5.4 An approved candidate who is a pastor ordained in a Lutheran Church or who has been validly ordained in another denomination shall not be required to be re-ordained to enter the Ministry of the Church.

Installation of Members of the Ministry

- 5.1.6 5.1.6.1 The Bishop of the Church shall be responsible for the installation of a pastor who is called by the Church or by a board of the Church to full-time office as an executive officer or member of staff or to other sphere of service.
- 5.1.6.2 The Bishop of the District shall be responsible for the installation of a pastor who is called to a parish in the District or is called by the District or by a committee of the District to full-time office as an executive officer or member of staff or to other sphere of service.
- 5.1.6.3 The Bishop of the Church or the Bishop of the District may delegate this duty to a deputy. The respective Bishop or deputy shall usually be assisted at such installation by one or more pastors.
- 5.1.6.4 The installation of a pastor-elect shall take place in the parish to which the pastor-elect has been called or assigned.
- 5.1.7 The Bishop responsible for an ordination or an installation shall officially notify the details to the Secretary of the Church and shall also have a notice thereof published in the official publication of the Church.

SECTION 5.2 ROLL OF PASTORS

- 5.2.1 Members of the Ministry who pursuant to Article 5.1 of the Constitution are recorded in the official Roll of Pastors of the Church must be in one of the following categories:
- 5.2.1.1 a pastor serving a parish or mission of the Church;
- 5.2.1.2 a pastor elected as an official by the Church or by a District;
- 5.2.1.3 a pastor called or appointed by or on behalf of the Church or a District;
- 5.2.1.4 a pastor in seconded service or special service, where the nature and scope of the ministry and the area in which the pastor is qualified to serve are clearly defined;
- 5.2.1.5 a pastor who has been granted leave of absence by the General Church Board in accordance with the provisions laid down in the following Section 5.3.1-5;

- 5.2.1.6 a pastor temporarily without a call; or
- 5.2.1.7 a pastor emeritus.

- 5.2.2 Inclusion in the official Roll of Pastors does not determine the financial obligation of the Church towards such pastors in respect of salary, rest and refreshment leave, Provident Fund and Pensions Fund benefits.

SECTION 5.3 LEAVE OF ABSENCE, WITHDRAWAL AND DISMISSAL

- 5.3.1 Any application for leave of absence shall be lodged with the Church Council of the District in which the applicant is serving, but where the call or appointment does not fall within the jurisdiction of the District, with the College of Bishops.
- 5.3.2 A pastor desiring leave of absence for reasons of health, family or personal problems, leading to inability to carry out the requirements of the regular or particular ministry, shall apply to the respective Church Council, which shall consult with the body by which the pastor has been called or appointed and shall make recommendations to the College of Bishops. The College of Bishops shall have power to grant such leave for a period of up to three [3] years and it may grant extensions of such leave upon request and after consultation with the respective Church Council. Any such pastor shall continue to be listed on the Roll of Pastors. Any public ministry to be undertaken by a pastor shall only be performed after consultation with, and under the general supervision of, the respective District Bishop.
- 5.3.3 A pastor desiring leave of absence for the purpose of taking up an appointment with an interdenominational undertaking, shall apply to the respective Church Council, which shall consult with the body by which the pastor has been called or appointed and make recommendations to the College of Bishops. The College of Bishops shall have power to grant such leave of absence for a period of up to three [3] years, after which there shall be a review. Any such pastor shall continue to be listed on the Roll of Pastors.
- 5.3.4 A pastor desiring leave of absence in excess of six [6] months, for the purpose of study shall apply for leave of absence to the respective Church Council, which shall consult with the body by which the pastor has been called or appointed and make recommendations to the College of Bishops. The College of Bishops shall treat each case on its merits, having due regard for the nature and scope of the course, the possible benefits to the Church and the pastor, and the manpower resources of the Church.
- 5.3.5 A pastor desiring to withdraw provisionally from active service in the Ministry because of uncertainty of the sense of vocation shall apply for leave of absence to the respective Church Council which shall make recommendations to the College of Bishops. The College of Bishops may grant leave of absence for an initial period of twelve [12] months, which it may thereafter extend upon request and after consultation with the respective Church Council to a maximum of two [2] years. During such leave, the pastor may continue to perform such ministerial functions as shall be determined by the respective Church Council. If at the end of two [2] years the pastor has not taken steps to re-enter service in the active Ministry of the Church, the pastor's name shall be removed from the Roll of Pastors unless the College of Bishops in consultation with the Church Council of the respective District shall determine otherwise.
- 5.3.6 The following provisions shall apply to a pastor temporarily without a call or appointment:

- 5.3.6.1 Continuance on the Roll of Pastors of such pastor shall be reviewed each year by the Church Council of the respective District for report to the College of Bishops. The College of Bishops is not bound to grant such continuance.
- 5.3.6.2 The College of Bishops, after consultation with the Church Council of the respective District, may at its discretion provide for the maintenance of such pastor by the Church for a period generally not to exceed twelve [12] months.
- 5.3.7 A pastor may resign voluntarily from the Ministry of the Church by giving written notice thereof to the Bishop of the respective District. Upon acceptance of the resignation, the Bishop shall notify the Bishop of the Church.
- 5.3.8 A pastor accepting a call to a Lutheran church body with which the Church has a fraternal understanding shall apply to the College of Bishops for a peaceful dismissal from the Ministry of the Church. Unless circumstances preclude it, the pastor shall receive such dismissal and shall no longer be listed on the Roll of Pastors.
- 5.3.9 A pastor intending to accept a call to a Lutheran church body with which the Church does not have a fraternal understanding shall apply for a peaceful dismissal from the Ministry of the Church, which shall be considered by the College of Bishops on its merits. Upon acceptance of such call, the pastor shall no longer be listed on the Roll of Pastors.
- 5.3.10 A pastor accepting a call to a non-Lutheran church body shall no longer be listed on the Roll of Pastors.
- 5.3.11 Any action to suspend or dismiss a pastor from the Ministry of the Church which is not provided for in this Section 5. shall be taken in accordance with the following Section 10.
- 5.3.12 The Secretary of the Church shall publish notice of the removal of any pastor's name from the Roll of Pastors in the official publication of the Church.

SECTION 5.4 CALLS AND TRANSFERS

PREAMBLE

- 5.4.1 Whereas the New Testament ministry is the office instituted by Christ for the public administration of the means of grace, that is, the preaching of the Gospel and the administering of the Sacraments, through which as through instruments the Holy Spirit works saving faith in the hearts of people (Matthew 10; Matthew 28:18-20; Luke 9:1-2; 1 Corinthians 3:5-7; 2 Corinthians 3:5-8; Augsburg Confession V; Formula Concordiae, Solida Declaratio XI. 29);
AND WHEREAS the office of the ministry is not a human institution but one instituted by God (2 Corinthians 5:18-20; Ephesians 4:11; Acts 20:28; Apology XIII. 11);
AND WHEREAS the procedures connected with calls and transfers shall serve, under the guidance of the Holy Spirit, towards the fulfilment of the divine promise: 'And I will give you shepherds after my own heart who shall feed you with knowledge and understanding' (Jeremiah 3:15);
AND WHEREAS the calling of a pastor is not comparable with the purely secular procedures of employer and employee, but the acceptance of a call establishes a personal, spiritual, and sacred relationship between shepherd and flock in the Church of our Lord Jesus Christ:
BE IT DECLARED that the rules set out below are interpreted and carried out in the true evangelical spirit when

- 5.4.1.1 pastors and members in the congregation of the Church are imbued with a deep sense of the sanctity of the office of the ministry and, putting aside selfish considerations, are mindful of the fact that they are members of a larger body, the Church; and therefore, under the guidance of the Holy Spirit, prayerfully strive to determine and to do that which is well-pleasing to God, and in the best interests of the whole Church of which they form a part;
- 5.4.1.2 every call and transfer rests upon a basis of mutual confidence and a sense of responsibility toward each other and before God, in which the Bishop and Church Council of the respective District and the responsible committees of the congregation or parish consider each case with due care before a recommendation is made, every parish gives earnest and serious consideration to the recommendations placed before it, and every pastor duly weighs the recommendations placed before him;
- 5.4.1.3 parishes take care, in considering the qualifications of a pastor to be called, that spiritual qualifications and not human and secular considerations are the deciding factor;
- 5.4.1.4 pastors who have served a parish for an extended term (normally ten [10] years and beyond) earnestly consider whether the Lord would not have them place their gifts in his service in another field and, particularly when a call is extended to them upon the recommendation of the responsible authorities of the Church, feel constrained to accept such call; and
- 5.4.1.5 parishes which for many years have been blessed through the talents of their pastor do not selfishly seek to prevent him from rendering similar service in another field.

General

- 5.4.2 In accordance with the Lutheran Confessions (Augsburg Confession XIV) the Church teaches that no one should publicly teach in the Church or administer the Sacraments, unless regularly called. It furthermore upholds that a regular call to a specific field of labour is necessary. Within the Church, this right of call shall be exercised by
 - 5.4.2.1 the congregations of the Church, which act in association as a parish; and
 - 5.4.2.2 the Church or any regularly constituted body of the Church or of its Districts, to which such authority has been delegated.
 This right of call shall be exercised according to the By-laws in this section.
- 5.4.3 In adopting By-laws for an orderly procedure which applies in common to the Church, its Districts and its congregations, the Church desires that they shall be interpreted and carried out in an evangelical spirit according to the principles and manner expressed in 1970 by the convention of the Third General Synod in the Preamble to the rules then adopted (Official Report, page 379, 1970 Indooroopilly - now Section 5.4 Preamble).
- 5.4.4 The relationship between a pastor and the Church, District, parish, congregation or other body the call of which he has accepted is personal, spiritual and sacred and is not intended to create any legal relationship or any employment relationship between the pastor and any member of any part of the Church.
- 5.4.5 A pastor shall not arbitrarily leave a pastorate and neither shall a pastor be arbitrarily dismissed by a parish. The regular call of a parish when accepted by a pastor shall constitute a permanent relationship terminated only for any of the following reasons:
 - 5.4.5.1 the death of the pastor or the dissolution of the parish;
 - 5.4.5.2 the acceptance of another office by the pastor or the resignation of the pastor;

- 5.4.5.3 dismissal of the pastor through disciplinary action taken pursuant to Article 10.1.2 of the Constitution and the following Section 10.3.8.5;
 - 5.4.5.4 a major reorganisation of the parish when there is not a vacancy, but subject to the provisions of the following Section 5.4.15;
 - 5.4.5.5 the physical or mental disability of the pastor, subject to the provisions of the following Section 5.4.16.2.3.1;
 - 5.4.5.6 persistent or continued neglect of duty, subject to the provisions of the following Section 5.4.16.2.3.3; or
 - 5.4.5.7 inability to conduct the pastoral office efficiently in that parish in view of local conditions, without necessarily being a reflection on the moral and spiritual character of the pastor, subject to the provisions of the following Section 5.4.16.2.3.2.
- 5.4.6 Practices such as preaching trial sermons, pastors making approaches to congregations for a call, congregations or committees, or individual members making approaches to a pastor prior to call, shall not be resorted to in connection with call procedures.
- 5.4.7 The provisions contained herein shall be so interpreted to mean that matters relating to changes of pastorate in parishes or fields which are under the supervision of a Board of the Church or of a Committee of a District of the Church shall first be referred to the respective Board or Committee for consideration.
- 5.4.8 If in the opinion of the Bishop of a District the circumstances warrant it, the Bishop, or Bishop's representative may be accompanied by members of the Church Council of the District at meetings held pursuant to these rules.

Procedure in Calls

- 5.4.9 The following procedure shall be followed in the calling of a pastor:
- 5.4.9.1 The Bishop of the District or the Bishop's representative shall convene a meeting of representatives of the parish to consider candidates proposed by the Bishop or the Bishop's representative on behalf of the Church Council of the District, by the representatives of the parish, and by any member of the parish through its secretary.
 - 5.4.9.2 After due consideration of all suggested candidates the representatives of the parish shall determine by ballot one or more pastors to be nominated to the meeting of the parish.
 - 5.4.9.3 At a duly convened meeting of the parish, the Bishop or the Bishop's representative generally presiding, the above nominations shall be submitted. Further nominations may be made at the meeting of the parish unless the meeting itself decides against accepting such nominations.
 - 5.4.9.4 The meeting, voting by ballot, may accept or decline the nomination or nominations as decided by the representatives of the parish. If all nominees fail of election, or subsequently decline the call, the procedure shall be repeated.
- 5.4.10 A pastor shall as soon as possible notify the parish to which the pastor is currently called and the calling body of the receipt of a call, and shall forward a definite answer within twenty-eight [28] days after its receipt unless an extension of time is approved by the Bishop of the District from which the call emanates and the calling body.
- 5.4.11 Generally a pastor shall remain in a parish for at least three [3] years unless it is the first call or appointment, in which case the period shall be at least four [4] years. Any

circumstances deemed to warrant an exception to the above shall be discussed with the respective Church Councils before a call is issued.

- 5.4.12 A pastor approaching the age of eligibility for retirement under the provision of the Pensions Fund of the Church, but still able to perform the function of the ministry adequately, may be recommended by the Bishop and Church Council of a District to be called for a stipulated period; this period is to be agreed upon by the Church Council and the parish. Such period, however, may be extended upon the request of the parish and with the consent of the Church Council of the District.

Transfers

- 5.4.13 The transfer of a pastor who has accepted a call to another charge shall normally take place three [3] months after acceptance of the call, unless the Bishop of the District in consultation with the calling parish and with the Bishop of any other District involved determines otherwise.
- 5.4.14. The costs of a transfer of a pastor shall be borne in the manner provided for by the Church in the rules of the Transfer Fund.

The Pastorate and Realignment

- 5.4.15. If a reorganisation of a parish takes place when there is not a vacancy, the Church Council of the District, after consultation with all congregations and the pastor or pastors concerned, shall determine whether the reorganisation is major. If it is determined to be major, existing calls are terminated three [3] months after the date of the determination, or such later date as may be specified in the determination, and a new call or new calls shall be required.

The Pastorate and Mediation

- 5.4.16 5.4.16.1 Any course of action under this section shall be followed as an act of compassion and expediency based on principles of Christian love. The intention of this course of action is to preserve, as far as possible, the integrity of the parish or other field of ministry and the reputation of the pastor.
- 5.4.16.2 If in respect of a pastor
- 5.4.16.2.1 the governing committee of the calling body; or
- 5.4.16.2.2 the Bishop of a relevant District; or
- 5.4.16.2.3 the Bishop of the Church
- is of the opinion that there is reasonable evidence that
- 5.4.16.2.3.1 the pastor has a serious physical or mental disability which substantially impedes the effectiveness of his ministry; or
- 5.4.16.2.3.2 there are circumstances pertaining in the particular field of ministry which substantially impede the effectiveness of the pastor's ministry in it; or
- 5.4.16.2.3.3 there is persistent neglect of duty by the pastor;
- the procedure outlined in the following Section 5.4.16.3 may be implemented.
- 5.4.16.3 The procedure is as follows:
- 5.4.16.3.1 A relevant Bishop shall arrange a fraternal discussion of the situation between the pastor, the governing committee, himself and any other person he considers appropriate in an endeavour to achieve a peaceable resolution of it.

- 5.4.16.3.2 Each of the persons referred to in the preceding Section 5.4.16.3.1 is obligated to take part in the discussion in a genuine endeavour to achieve a peaceable resolution of the situation.
- 5.4.16.3.3 If the Bishop's arrangements referred to in the preceding Section 5.4.16.3.1 do not achieve a peaceable resolution of the situation, he shall make a report in respect of the situation, the arrangements he made for discussion and the outcome of the arrangements and discussions to the Church Council of the relevant District or of the Church (as the case may require). The report shall be deemed to be the submission to the Church Council of a Miscellaneous Issue pursuant to the following Section 10.3.5.
- 5.4.16.3.4 The Church Council may, in its absolute discretion, submit the Miscellaneous Issue to the Tribunal Administrator referred to in following Section 10. for referral to a Tribunal
 - 5.4.16.3.4.1 to determine whether or not any of the situations described at the preceding Section 5.4.16.2.3.1-3 in fact exists and if so, its extent and its cause; and
 - 5.4.16.3.4.2 to make a recommendation to the Church Council as to how the situation (if it in fact exists) might best be resolved.
- 5.4.16.3.5 If the Tribunal determines that none of the situations in fact exists, the Church Council shall take no further action.
- 5.4.16.3.6 If the Tribunal determines that any of the situations in fact exist, the Church Council may
 - 5.4.16.3.6.1 direct that further discussion towards a resolution of the situation take place;
 - 5.4.16.3.6.2 give directions in respect of the functioning of the parish or other field of ministry;
 - 5.4.16.3.6.3 direct the pastor to take special leave or accumulated rest and refreshment leave of, in either case, up to three [3] months;
 - 5.4.16.3.6.4 recommend a change of pastorate;
 - 5.4.16.3.6.5 recommend to the College of Bishops either a change of pastorate, or the termination of the present call of the pastor either initially or after other options have been tried. If the College of Bishops terminates the call, the pastor shall be a pastor temporarily without a call and the preceding Section 5.3.7 shall apply. The Church Council may exercise these powers at any time or times during the period of one year after the date of the determination of the Tribunal and the exercise of one or more powers shall not preclude the exercise of the power or other powers subsequently during the one year period.
- 5.4.16.3.7 Before making a decision pursuant to the preceding Section 5.4.16.3.6, the Church Council shall give the pastor, the governing committee of the calling body and any other person it considers appropriate, the opportunity to be heard either in person or in writing (at the discretion of the Church Council) in respect of how the situation might best be resolved.

- 5.4.16.3.8 The determination of the Tribunal as to the facts and the decision of the Church Council and College of Bishops respectively as to action to be taken shall be final.
- 5.4.16.3.9 At all stages of the procedure, the Bishop may take such further steps as he considers pastorally appropriate.

SECTION 5.5 GENERAL PROVISIONS

- 5.5.1 Every pastor shall be a member of a congregation. All pastors who are called to parish ministry shall normally be members of the congregation where they reside. All other pastors may become members of a congregation of their own choice.
- 5.5.2 Pastoral acts normally shall be performed under the auspices of a congregation. All such acts shall be entered by the pastor of the congregation into its official records. However, those properly called to serve as chaplains in the armed services or in institutions or agencies may perform such pastoral acts as come within the scope of their work and such acts are to be recorded and reported periodically as the Church may from time to time decide.

SECTION 5.6 GENERAL PASTORS' CONFERENCE

- 5.6.1 The duties of the General Pastors' Conference shall be to
 - 5.6.1.1 give guidance in matters of doctrine and confession;
 - 5.6.1.2 foster theological studies by all members of the Ministry;
 - 5.6.1.3 stimulate and give guidance to the members of the Ministry in the work of their calling;
 - 5.6.1.4 foster fellowship between the members of the Ministry; and
 - 5.6.1.5 consider matters relating to the well-being of the Church.
- 5.6.2 The General Pastors' Conference shall serve as a theological adviser to the General Synod and in fulfilment of such function
 - 5.6.2.1 shall consider those questions, issues and statements of a theological and confessional nature which appear on the agenda of the convention of the General Synod and are referred to it by the General Church Board;
 - 5.6.2.2 shall recommend one or more of the following actions with respect to a question, issue or statement referred to in 5.6.2.1, namely:
 - 5.6.2.2.1 agreement or rejection;
 - 5.6.2.2.2 amendments;
 - 5.6.2.2.3 corrections;
 - 5.6.2.2.4 additions; or
 - 5.6.2.2.5 advice or explanations; and
 - 5.6.2.3 may voice its opinion with regard to the advisability or non-advisability of dealing with any such question or issue or of adopting a particular statement or motion.
- 5.6.3 5.6.3.1 All pastors shall be entitled to attend all General Pastors' Conferences, to take an active part in all deliberations and to vote on all matters before the Conference, except when nominations for the positions of Bishop and Assistant Bishop are being made according to the By-laws of the Church during a General Pastors' Conference.

- 5.6.3.2 The General Pastors' Conference shall elect a chairperson and a secretary at its conference prior to the regular convention of the General Synod. There shall be a Program Committee which shall consist of the chairperson and the secretary of the Conference, the Bishop and Assistant Bishop of the Church, and two other members elected by the Conference.
- 5.6.3.3 The basis for any reimbursement of the travelling expenses of
 - 5.6.3.3.1 pastors not being pastor delegates who attend the General Pastors' Conference held in conjunction with the regular convention of the General Synod; and
 - 5.6.3.3.2 all pastors attending a General Pastors' Conference held at any other time,
 shall be determined by the General Synod or the General Church Board.
- 5.6.4 An official copy of the minutes of the General Pastors' Conference shall be filed with the Secretary of the Church.

SECTION 7. THE GENERAL SYNOD

SECTION 7.1 DELEGATES, ALTERNATES, CONSULTANTS, SYNODICAL TERM

Delegates

- 7.1.1 Lay delegates shall be voting members of a congregation who have reached the age of eighteen [18] years.
- 7.1.2 The following provisions shall apply regarding pastor delegates:
 - 7.1.2.1 Pastors issued with a call or appointment by the Church shall be regarded as a separate category in determining pastor delegates for General Synod, and therefore shall be omitted from District nominating lists.
 - 7.1.2.2 All ordained executive officers of the Church shall be pastor delegates to General Synod.
 - 7.1.2.3 Two thirds of the Australian Lutheran College ordained staff members shall be appointed as delegates by the General Church Board on recommendation from the Australian Lutheran College Principal.
 - 7.1.2.4 The Church Council of each District shall determine the number of pastor delegates from each zone of the respective District.
 - 7.1.2.5 The pastors of a District shall elect the allotted number of pastor delegates for that district within twelve [12] months prior to a regular convention of General Synod.
 - 7.1.2.5 A pastor delegate shall cease to be a delegate of the General Synod when ceasing to be a pastor listed on the Roll of Pastors. Another pastor delegate shall be elected to take the pastor's place pursuant to Article 7.5 of the Constitution.
- 7.1.3 The secretaries of the parishes and the Districts shall forward in writing to the Secretary of the Church the names and addresses of their respective delegates. The respective secretaries shall notify the Secretary of the Church of any change in delegates during the synodical term.

Alternates

- 7.1.4 When an elected lay delegate cannot attend a convention of the General Synod and the parish cannot find a substitute from its midst, the parish may request permission from the

Bishop of the District to appoint its pastor, should the pastor not be a pastor delegate, or a member from another parish, to act as the alternate for its elected lay delegate at such convention.

- 7.1.5 7.1.5.1 If at any time prior to a convention an elected pastor delegate is unable to attend such convention, the pastor shall inform the Bishop of the respective District, who may appoint an alternate in accordance with the procedure adopted by the Pastors' Conference of the District, unless another pastor delegate is appointed as a delegate.
- 7.1.5.2 If a pastor delegate for a reasonable cause cannot continue to attend a convention, the pastor shall inform the Bishop of the respective District, who shall appoint an alternate from among the pastors of that District who are present as consultants or visitors and shall notify the Secretary of the Church of such change.
- 7.1.6 An alternate shall have authority to represent only one delegate at any one time.

Consultants

- 7.1.7 7.1.7.1 Any executive officer of a board of the Church not elected as a delegate shall have the right to attend a convention of the General Synod as a consultant with the right to speak.
- 7.1.7.2 The General Church Board may at its discretion invite any person to attend a convention of the General Synod as a consultant.
- 7.1.7.3 Consultants at a convention of the General Synod shall not have the right to vote.

Synodical Term

- 7.1.8 The length of the synodical term shall be three [3] years, subject however to such variations as may arise pursuant to following Section 7.2.1

SECTION 7.2 THE CONVENING OF GENERAL SYNOD

- 7.2.1 The regular convention of the General Synod shall take place by meeting in person or by electronic means and be held in the month of October or as near as practicable to that month, or as arranged by the General Church Board and the inviting body.
- 7.2.2 The following shall be entitled to submit matters for discussion by the General Synod:
 - 7.2.2.1 any congregation;
 - 7.2.2.2 any parish;
 - 7.2.2.3 any board of the Church, provided the matter is within its terms of reference;
 - 7.2.2.4 the General Pastors' Conference;
 - 7.2.2.5 the General Church Board, or its Executive;
 - 7.2.2.6 the Synod of any District of the Church;
 - 7.2.2.7 the Church Council of any District; or
 - 7.2.2.8 the Pastors' Conference of any District.
- 7.2.3 The Agenda, setting out details of the matters to be dealt with at the regular convention of the General Synod, and Report of Councils and Standing Committees shall be forwarded by the Secretary to all voting members at least three [3] weeks before the date of holding of such convention. Late proposals in writing and handed to the Secretary before the first business session may be accepted by the convention and placed on the Agenda. At the

discretion of the General Church Board, new business may be submitted to the General Synod during the days of the convention.

- 7.2.4 The Agenda for a special convention of the General Synod shall be forwarded to all voting members at least one [1] week before the date of such convention. At the discretion of the General Church Board, new business may be submitted to the General Synod.
- 7.2.5 All delegates and consultants shall register for the convention at the time and place announced by the Secretary.
- 7.2.6 A majority of the maximum number of persons entitled to vote according to the rules shall form a quorum.
- 7.2.7 All delegates and consultants shall attend all sessions regularly until the close of the convention. Delegates who arrive late or leave early or who are absent or unable to attend shall submit a written apology to the Secretary.
- 7.2.8 The official book of reports shall be forwarded to all pastors and all delegates.
- 7.2.9 The responsibility for travelling costs to a convention shall be as follows:
 - 7.2.9.1 The Church shall be responsible for the costs of the members of the General Church Board, pastor delegates and consultants.
 - 7.2.9.2 Each parish shall be responsible for the costs of its delegates.

SECTION 7.3 PROCEDURE IN TRANSACTING BUSINESS

- 7.3.1 The business of a convention of the General Synod shall be chaired by the Bishop, or at the Bishop's request, the Assistant Bishop. If they are unable to act, the convention shall elect its own Chairperson.
- 7.3.2 The Chairperson shall ensure that a quorum is present at all times.
- 7.3.3 In addition to the voting members and the consultants, the right to speak may be exercised by recognised official visitors, by any additional members of the teaching staff of Australian Lutheran College present, and, when the reports of a board are before the convention, by any member of the respective board. Any other member of the Church present who desires to speak may do so at the discretion of the Chairperson.
- 7.3.4 Persons entitled to speak and desiring to exercise such right shall ask for the floor by raising their hand or otherwise indicating to the Chairperson their desire to speak, and when called upon to speak they shall stand and address themselves to the chair. No interruption to speech shall be permitted, except upon a question of order.
- 7.3.5 All proposals on the Agenda shall be placed before the convention for discussion and decision, unless withdrawn.
- 7.3.6 All reports published in the official book of reports or in supplements thereto shall be regarded as received by the convention by virtue of that fact.

- 7.3.7 A motion or amendment, including any proposal stemming from the reports of councils or boards or submitted by a Sessional Committee, may be discussed and voted on only after it has been moved and seconded by a delegate.
- 7.3.8 At the request of the mover and seconder, and with the consent of the convention, a motion or an amendment may be withdrawn.
- 7.3.9 A proposal which has not been moved may be withdrawn by the body from which it originated. A proposal which has been printed in the agenda of the convention, but which has not been moved, may be withdrawn by the body from which it originated, with the consent of the convention.
- 7.3.10 Only one amendment to a motion shall be before the chair at any time. After the same has been agreed to or rejected another amendment may be moved. Notice of further amendment may be given at any time.
- 7.3.11 Every amendment shall be relevant to the motion to which it refers.
- 7.3.12 Proposers of amendments and of any motions not previously printed shall submit them to the Chairperson in writing either in advance, whenever possible, or when requested to do so by the Chairperson.
- 7.3.13 Those taking part in a debate shall be limited to one [1] speech on a motion or amendment, except to clear up misunderstanding or in exercising the right of reply, or except the meeting grant permission.
- 7.3.14 A right of reply is only allowed to the mover of the original motion. It concludes the debate unless there are one or more amendments, in which case it may be exercised at the conclusion of the debate on the first amendment.
- 7.3.15 Seconded amendments are new questions and persons who have spoken to the motion shall be permitted to speak again.
- 7.3.16 The mover of any motion shall be permitted to speak for five [5] minutes, and three [3] minutes shall be the limit for all other speakers unless a resolution granting extension of time be granted by the convention.
- 7.3.17 The Chairperson shall give ample opportunity for speakers for and against a motion or an amendment to be heard. If there are no speakers against it shall be put without right of reply.
- 7.3.18 As a general rule motions and amendments shall be read before a vote is taken, and the Chairperson shall if necessary briefly explain their meaning.
- 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.

- 7.3.20 A motion shall be decided by a show of hands unless a ballot is required by the Chairperson or demanded by a delegate and granted by resolution of the convention. In the event of a disagreement as to the result of the vote, a recount or second vote may be demanded.
- 7.3.21 If in the opinion of any delegate an irregularity of procedure occurs the delegate may immediately without asking permission from the chair rise to a 'point of order' and shall be heard forthwith. The delegate shall explain the point of order clearly and briefly without introducing new matter. The Chairperson shall decide either to uphold or disallow the point raised, and it shall not be debated unless an appeal be made against the ruling of the Chairperson.
- 7.3.22 Deference shall be paid to the Chairperson's authority. All present shall be seated whenever the Chairperson rises to speak, and the Chairperson shall be heard without interruption, except when a point of order is raised.
- 7.3.23 The Chairperson may call attention to continued irrelevance or tedious repetition on the part of a speaker, and may direct the speaker to cease speaking.
- 7.3.24 If disorder should arise the Chairperson may announce an adjournment of the convention and leave the chair, and by that action the convention is immediately adjourned for a period that shall not exceed one-half hour.
- 7.3.25 The Chairperson may speak briefly for the purpose of giving some desired or necessary information. If, however, the Chairperson wishes to take an active part in a debate, an Assistant Bishop or some other appointed person shall take the chair.
- 7.3.26 The Chairperson may determine when a vote is to be taken.
- 7.3.26.1 During a debate the Chairperson may seek an indication of readiness to vote. If there is an indication of a significant or high number of possible abstentions from voting by reason of indecision or by absence from the meeting, the Chairperson may decide to continue the discussion or defer the motion.
- 7.3.26.2 Unless otherwise stipulated a majority of those delegates voting shall decide the motion, and in the event of an equality of votes the Chairperson shall in addition to a deliberative vote have a casting vote, or refer the motion for further discussion.
- 7.3.27 No formal motion may be moved or seconded by anyone who has moved, seconded or spoken to the motion or any amendment. The following formal motions may be moved and seconded and are not debatable:
- 7.3.27.1 A motion may be superseded for that particular convention by the acceptance of either of the following motions:
'That the debate be adjourned';
'That Synod proceed to the next business'.
- 7.3.27.2 A motion may be superseded for the time being by the motion
'That the question lie on the table'.
There can be a subsequent motion either at the same or a later convention to take the motion from the table.
- 7.3.27.3 The convention may be adjourned by the motion 'That the convention adjourn'. Debate may take place if the motion or amendment states time, date and place of the adjourned convention.

- 7.3.27.4 Debate on a motion or an amendment may be closed by the motion 'That the motion be now put'. If in the opinion of the Chairperson the motion has not been sufficiently discussed, such motion may be refused.
- 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 majority not less than two thirds[2/3] of all the registered delegates 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 majority of not less than two-thirds [2/3] of those delegates present.
- 7.3.30 Any motions coming before the convention may be referred by the Executive of the General Church Board prior to the sessions, or by the convention during the sessions, for study and for report to the convention.
- 7.3.31 All proceedings shall be entered into a minute book, with the exception of unseconded motions or amendments.
- 7.3.32 The Church shall not be bound by any statements or plans contained in a report, but only by specific resolutions on matters arising from such report and carried by the General Synod.
- 7.3.33 In the event that a convention of the General Synod is held using electronic means in place of meeting in person, these procedures may be amended to suit that environment.

SECTION 7.4 NOMINATIONS AND ELECTIONS

Officials, General Church Board

- 7.4.1 The method of nominating the Bishop and thereafter the Assistant Bishop shall be as follows:
 - 7.4.1.1 A Nominations Committee consisting of three [3] pastors shall be appointed by the Pastors' Conference Program Committee not less than six [6] months prior to the convention of the General Synod at which the election for the office of Bishop falls due.
 - 7.4.1.2 All pastors whose names are recorded on the Roll of Pastors of the Church, excluding pastors emeriti, are eligible for the position of Bishop and Assistant Bishop.
 - 7.4.1.3 Nomination of Bishop
 - 7.4.1.3.1 For the nomination of Bishop, the Nominations Committee shall invite all pastors whose names are on the Roll of Pastors to submit the names of up to three [3] eligible pastors in their order of preference on the form provided to be returned by a date specified

- by the committee, the date being not less than two [2] months prior to the meeting of the General Pastors' Conference. The first preference on each ballot paper shall be used to establish a list of nominees who shall then be approached by the committee to ascertain whether they are willing to stand for election for the office of Bishop, or, if not elected, for the office of Assistant Bishop. The committee may confidentially make known to any such nominee the number of votes cast in favour of that nominee.
- 7.4.1.3.2 If the withdrawal of proposed nominees involves twenty-five [25] per cent or more of the votes cast, the next preferences on the ballot papers shall be used to establish the list of nominees.
- 7.4.1.3.3 The list of nominees shall be presented to the General Pastors' Conference held immediately prior to the regular convention of the General Synod.
- 7.4.1.3.4 By preferential ballot of pastor delegates only, the list of nominees shall be reduced until there remain only those who have received at least twenty-five [25] per cent of the total votes cast, and these shall be declared to be the nominees of the General Pastors' Conference for the office of Bishop.
- 7.4.1.4 Nomination of Assistant Bishop.
- 7.4.1.4.1 Any nominees for the office of Bishop, if not elected to such office, shall with their consent automatically be nominees for the office of Assistant Bishop.
- 7.4.1.4.2 Separate nominations for the office of Assistant Bishop shall be made by ballot at the General Pastors' Conference held immediately prior to the regular convention of the General Synod. The nominations shall be made by the pastors who are pastor delegates.
- 7.4.1.4.3 The first ballot shall be a ballot to establish a list of nominees. Before publication of the results of the ballot, the committee conducting the election shall privately ascertain from all nominees whether they are willing to stand for election, and may confidentially make known to any such nominee the number of votes cast in favour of that nominee. The committee thereupon, without divulging the number of votes cast, shall publish to the General Pastors' Conference the names of those willing to stand for election and the names of those who declined to stand.
- 7.4.1.4.4 If the withdrawal of proposed nominees involves twenty-five [25] per cent or more of the votes cast by those present and voting, another ballot shall be held to establish the list of nominees. The names of all persons who were not willing to stand for election shall be made known prior to such ballot.
- 7.4.1.4.5 By preferential ballot of pastor delegates only, the list of nominees shall be reduced until there remain only those who have received at least twenty-five [25] per cent of the total votes cast, and these shall be declared to be the nominees of the General Pastors' Conference for the office of Assistant Bishop.
- 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, the vote being taken by show of hands.

7.4.2.2 The provisions of the preceding Section 7.4.1.4.1 shall apply to any nominee whose name was added to the ballot paper by action of the convention.

7.4.2.3 The elections shall be conducted by optional preferential ballot prior to the reading of nominations for all other elective offices in the Church.

7.4.3 The nomination and election of the elected members of the General Church Board shall be conducted according to the procedures laid down for nominations and elections in general.

7.4.4 During the first session of the convention the written list of nominations for the offices of Bishop and Assistant Bishop, and the written list of nominations for the elected members of the General Church Board, shall be distributed to the delegates, and this shall be regarded as the first reading of nominations. The second reading of nominations for these offices, in the above order, shall begin after the adoption of the report of the Bishop and shall in each case be followed by the elections for that office.

Nominations to the General Church Board

7.4.5 7.4.5.1 Nominations to the convention for elected positions shall be made by the Standing Committee on Nominations which shall act in accordance with the procedures resolved by the Synod and amended from time to time by the Synod.

7.4.6 The following provisions shall apply to nominations:

7.4.6.1 Persons who wish to nominate themselves shall submit a completed nominations form to the Standing Committee on Nominations.

7.4.6.2 Any congregation or Bishop may submit a nomination, with the consent of the nominee, to the Standing Committee on Nominations.

7.4.6.3 The Standing Committee on Nominations at its discretion may list a nominee or nominees for a position on the Board subject to the nominee's consent.

7.4.7 7.4.7.1 The reading of nominations shall take place after the completion of the elections provided for in the preceding Section 7.4.4.

7.4.7.2 At least one session shall elapse before the elections are conducted.

Elections in General

7.4.8 The Convention Committee on Elections shall consist of two [2] pastors and three [3] lay persons, appointed by the General Church Board. They may, with the approval of the Bishop, appoint other persons to assist them in the conducting of elections.

7.4.9 Election shall be by ballot. The order of names in each group on the ballot paper shall be determined by lot.

7.4.10 The duties of the Convention Committee on Elections shall be to

7.4.10.1 conduct the elections at the regular convention of the Church;

7.4.10.2 prepare ballot papers in consultation with the chairperson of the LCA Standing Committee on Nominations, approved by the Bishop, for the elections;

- 7.4.10.3 count the votes according to the optional preferential system, unless the rules of the Church otherwise prescribe the procedure for voting;
 - 7.4.10.4 announce the result as soon as possible at a time determined by the Chairperson of the convention;
 - 7.4.10.5 keep an accurate record of the results of all elections;
 - 7.4.10.6 retain all ballot papers until the close of the convention; and
 - 7.4.10.7 hand over to the Secretary of the Church the numerical results of all elections.
- 7.4.11 In the event of an equality of votes in any election the Chairperson for the time being may give a casting vote, except when such a chairperson is a candidate, in which case another ballot shall be held.
- 7.4.12 In the event of an election being challenged, the Committee shall at the request of the Bishop deliver to the Bishop the ballot papers used in that particular election for re-checking by a special commission consisting of not more than five [5] members elected by the convention.
- 7.4.13 In the event that a convention of the General Synod is held using electronic means in place of meeting in person, these procedures may be amended to suit that environment.

SECTION 7.5 SESSIONAL COMMITTEES

- 7.5.1 The business of the convention may be prepared by advisory committees called 'Sessional Committees'.
- 7.5.2 The Executive of the General Church Board shall determine the number of Sessional Committees and their respective areas of study.
- 7.5.3 7.5.3.1 Sessional Committees shall be appointed prior to a convention of the General Synod from among the delegates registered for the forthcoming convention.
- 7.5.3.2 The Officials and consultants shall not be included as members of Sessional Committees, but may be asked to serve as reporters and advisers to such committees.
- 7.5.4 The Bishop and Secretary of the Church shall assign delegates and consultants to Sessional Committees in numbers considered appropriate for each committee, subject to review and approval by the Executive of the General Church Board.
- 7.5.5 Each Sessional Committee shall receive such reports and proposals as are assigned to it by the Executive of the General Church Board and shall, after consideration, transmit them with its recommendations and proposals to the convention.
- 7.5.6 7.5.6.1 Each Sessional Committee meeting shall be open to delegates and members of the Church, but voting shall be limited to the members of the particular committee.
- 7.5.6.2 Information regarding the time and place of each Sessional Committee meeting shall be made available to the members of the Church at the convention.
- 7.5.6.3 Representatives of the body submitting a proposal shall have the right to present reasons for the proposal to the Sessional Committee, and representatives of any body affected by the proposal shall have the right to present the views of that body.

SECTION 7.6 METHOD OF VOTING BETWEEN CONVENTIONS

- 7.6.1 In the event that the General Church Board determines that an urgent matter is to be referred to synod delegates (as is authorised by Article 7.11 of the Constitution) then and in such case the following procedure shall apply:
- 7.6.1.1 General Church Board shall formulate a proposed motion and shall forward the same by post to all synod delegates at the address recorded by such delegate when registering personally at a regular convention of the General Synod.
 - 7.6.1.2 A brief statement giving reasons for and against the proposed motion shall be prepared by the General Church Board and shall accompany the proposed motion.
 - 7.6.1.3 Voting shall be by ballot on the ballot paper provided. The ballots shall be returned separately by each delegate to the Secretary of the Church in an envelope provided. The date and hour of the closure shall be stipulated by the General Church Board.
 - 7.6.1.4 The Secretary shall place all ballot papers unopened into a locked ballot box for safekeeping.
 - 7.6.1.5 The General Church Board shall appoint a committee of three [3] members to count the votes. The committee shall meet at the time of the closing of the ballot to place all ballot papers without scrutiny into a pile after which all votes shall be counted.
 - 7.6.1.6 The result of the ballot shall be conveyed by the committee to the Bishop, who shall announce the result in the official publication of the Church, indicating the number of votes cast in the affirmative and in the negative.

SECTION 7.7 APPOINTMENTS

- 7.7.1 Appointments to boards, councils, commissions and committees shall be made in accordance with the relevant Terms of Reference.
- 7.7.2 Eligible nominations for appointment to boards, councils, commissions and committees shall be submitted by the Standing Committee on Nominations to the General Church Board at least three [3] months prior to convention and shall be included in the Book of Nominations for the information of delegates.
- 7.7.3 The regular appointments to boards, councils, commissions and committees shall be made within two [2] months after the General Synod.

SECTION 8. OFFICERS AND ADMINISTRATION

SECTION 8.1 ELIGIBILITY AND TERMS OF OFFICE

- 8.1.1 The Officials of the Church holding a full-time office shall not be eligible to hold any other administrative office of the Church or a District.
- 8.1.2 The Secretary shall be called by the General Church Board.

- 8.1.3 The members of the General Church Board shall not be eligible to be members of more than one other board or council of the Church.
- 8.1.4 A full-time executive officer serving under a board or council of the Church shall not be eligible to be a member of more than one board, council or commission of the Church or a District.
- 8.1.5 Any person who receives a salary from or is in the employ of a board shall not be a member of the board under which such person serves.
- 8.1.6 An executive officer of a committee of a District which is directly associated with the activities of a board of the Church shall not be eligible for membership on that board.
- 8.1.7 The spouse of an executive officer or salaried person serving the Church shall not be a member of a board under which such an executive officer or salaried person serves.
- 8.1.8 No person shall be eligible for appointment by the General Church Board to more than two [2] boards or councils of the Church unless otherwise determined by the General Church Board. This restriction shall not include membership on a board or council which according to the Terms of Reference is ex officio or representative of another board or council.
- 8.1.9 8.1.9.1 The term of office for the Bishop of the Church shall be
 8.1.9.1.1 two [2] synodical terms for an incoming Bishop; and
 8.1.9.1.2 one [1] synodical term for an incumbent Bishop seeking re-election.
- 8.1.9.2 The term of office for the Assistant Bishop and the Secretary shall be one [1] synodical term.
- 8.1.9.3 The term of office for all other Officials and officers of the Church shall be one [1] synodical term.
- 8.1.9.4 The term of office for members of boards, councils, commissions and committees shall be one [1] synodical term and they may be eligible for reappointment.
- 8.1.9.5 Any person retiring by effluxion of time under the provisions of the preceding sub-sections of 8.1.9 shall be eligible for re-election without limitation subject to the provisions of the preceding Section 8.1.6, or unless otherwise specifically determined.

SECTION 8.2 OFFICIALS

Officials

- 8.2.1 The Bishop
- 8.2.1.1 The Bishop by virtue of election shall
- 8.2.1.1.1 preach, teach and administer the Sacraments in accord with the Confession of the Church, exercising this ministry in congregations in consultation with the congregation and pastor concerned;
- 8.2.1.1.2 exercise oversight of the Church, promote its spiritual welfare and strive to preserve peace and order;
- 8.2.1.1.3 exercise oversight over the doctrine and practice of all pastors and congregations of the Church, doing this in association with or through the respective Bishops of the Districts;

- 8.2.1.1.4 exercise supervision over the doctrine, practice and official conduct of all officers of the Church, of all Bishops of the Districts and of all those who are elected or appointed by the Church;
 - 8.2.1.1.5 ensure the pastoral care of the pastors of the Church in association with or through the respective Bishops of the Districts;
 - 8.2.1.1.6 be the Official Visitor to Australian Lutheran College and as such, in fulfilment of this role, shall
 - 8.2.1.1.6.1 assure himself and thereby the Church that the teaching and practice of Australian Lutheran College is in accord with the public teaching and practice of the Church;
 - 8.2.1.1.6.2 be available to provide pastoral care to the Principal; and
 - 8.2.1.1.6.3 satisfy himself that the appropriate pastoral care is available for the staff of Australian Lutheran College;
 - 8.2.1.1.7 ordain approved candidates for the Ministry and install Bishops of the Districts and all those elected or called to spiritual offices of the Church, other than the pastoral ministry;
 - 8.2.1.1.8 arrange colloquies of persons seeking to enter the Ministry of the Church;
 - 8.2.1.1.9 officially represent the Church in relations with other church bodies and other agencies, unless these rights have been delegated by the Church to other persons;
 - 8.2.1.1.10 preside over all conventions of the General Synod, submit the Report of the Bishop and supervise the execution of all synodical resolutions;
 - 8.2.1.1.11 be present at the conventions of the Synods of the Districts, or appoint a deputy, and submit the Report of the Bishop;
 - 8.2.1.1.12 call and preside over meetings of the General Church Board and its Executive and the College of Bishops;
 - 8.2.1.1.13 provide for the calling of pastors or any other church workers needed for the institutions and/or departments of the Church, unless such powers have been delegated by the Church to Boards, Councils or Commissions or other persons; and
 - 8.2.1.1.14 be entitled to attend meetings of all the Boards, Councils, Departments, Standing Committees and Commissions of the Church and shall receive due notice of all meetings.
 - 8.2.1.2 The Bishop may appoint the Assistant Bishop, the Secretary or another person to act as the Bishop's deputy.
 - 8.2.1.3
 - 8.2.1.3.1 A Bishop-elect shall normally assume office three [3] months after being elected.
 - 8.2.1.3.2 Before a Bishop-elect assumes office, the outgoing Bishop shall
 - 8.2.1.3.2.1 continue as Bishop;
 - 8.2.1.3.2.2 use the intervening period to settle the affairs of the administration; and
 - 8.2.1.3.2.3 assist the Bishop-elect to become acquainted with the duties and responsibilities of the office.
- 8.2.2 The Assistant Bishop
- 8.2.2.1 shall, in the event of the death or resignation of the Bishop, automatically assume the office of Bishop until the next convention of General Synod;

- 8.2.2.2 shall, by direction of the General Church Board, assume office as acting Bishop during the Bishop's sickness, absence or inability to carry out the duties of the Bishop;
- 8.2.2.3 may be requested by the Bishop to act as the Bishop's deputy whenever and wherever deemed necessary; and
- 8.2.2.4 shall exercise particular supervision over those areas of responsibility which have been especially assigned to the office of Assistant Bishop.

SECTION 8.3 THE SECRETARY

The Secretary

- 8.3.1 The duties of the Secretary shall be to
 - 8.3.1.1 exercise a supportive role to the Bishop in the promotion of the general wellbeing of the church;
 - 8.3.1.2 perform those duties generally incumbent upon such an office and as prescribed from time to time;
 - 8.3.1.3 in reference to the regular general and special conventions of the General Synod
 - 8.3.1.3.1 publish the notice in the official publication of the church;
 - 8.3.1.3.2 publish the Agenda and the Book of Reports;
 - 8.3.1.3.3 keep an accurate recording of the proceedings and prepare and publish the Official Report;
 - 8.3.1.3.4 inform responsible bodies or individuals as soon as possible of the resolutions affecting them;
 - 8.3.1.4 keep the Roll of Congregations, the Roll of Pastors and the Register of Lay Workers;
 - 8.3.1.5 attend meetings of the General Church Board and College of Bishops in an advisory capacity;
 - 8.3.1.6 attend any other meetings as required by the Bishop in an advisory capacity;
 - 8.3.1.7 act as the Public Officer and be responsible for all legal matters;
 - 8.3.1.8 ensure that all moneys collected by or payable to the church are passed to the Central Treasury Service promptly for banking; and
 - 8.3.1.9 ensure that the Central Treasury Service is provided with adequate information to assist it in its day to day operations.

SECTION 8.4 THE GENERAL CHURCH BOARD

- 8.4.1 The duties of the General Church Board shall be to
 - 8.4.1.1 implement the program of the Church in accordance with the policies established by the General Synod;
 - 8.4.1.2 ensure that the mission of the Church, the proclamation of the Gospel of Christ, remains central in the work of the Church;
 - 8.4.1.3 ensure that all phases of the work of the Church are efficiently planned, coordinated, and controlled;
 - 8.4.1.4 receive the reports submitted at least annually by the boards and councils of the Church, and pursuant to Article 8.3.2 of the Constitution to make any necessary decisions thereon subject to any policy or decisions laid down by the General Synod;
 - 8.4.1.5 review the reports of the boards to the General Synod and submit recommendations for coordinated action to the General Synod;

- 8.4.1.6 initiate research into any sphere of activity with a view to achieving greater efficiency in the promotion of the Objects of the Church;
 - 8.4.1.7 appoint executive officers as required;
 - 8.4.1.8 submit the budget of the Church to the General Synod for consideration and adoption according to the policy laid down by the Church, and to adopt the budget of the Church in a year when the General Synod is not convened;
 - 8.4.1.9 appoint the Auditor of the Church;
 - 8.4.1.10 authorise proposals by a board regarding the number of office staff;
 - 8.4.1.11 appoint such sub-committees and delegate such powers as it sees fit;
 - 8.4.1.12 define from time to time the specific areas of responsibility of the Bishop and Assistant Bishop;
 - 8.4.1.13 fill any vacancy in any office or on any board, council, commission or committee in accordance with the delegated authority contained in the relevant Constitution or Terms of Reference, except when such vacancy occurs within three [3] months of the next regular convention of the General Synod;
 - 8.4.1.14 remove any Official, officer or member of a board, council, commission or committee from office during the term, subject to constitutional requirements, if, in its considered judgment, the said person becomes incapable or unworthy of holding office, and to fill the vacancy created until the next regular convention of the General Synod;
 - 8.4.1.15 determine any interim arrangements that may be necessary following the election of a full-time Official of the Church at a convention of the General Synod; and
 - 8.4.1.16 approve any alteration to the By-laws of the Church or the rules governing any board or fund of the Church made necessary by any resolution of the General Synod, as prepared by the Standing Committee on Constitutions.
- 8.4.2 8.4.2.1 In reference to finance its duties shall be to
- 8.4.2.1.1 ensure that all moneys collected by or payable to the Church are banked promptly into such banks or other institutions as are approved by the Church and that such moneys are properly accounted for and recorded in the accounting records of the Church. In this respect it shall have oversight of the work performed on behalf of the Church by any person or organisation to whom such work has been delegated by the Church, including a Central Treasury Service;
 - 8.4.2.1.2 ensure that recurring expenses and charges are paid in accordance with adopted budgets of the Church, and other moneys only withdrawn upon a specific resolution;
 - 8.4.2.1.3 receive reports on the state of the finances of the Church, including moneys received and payments made, on a regular basis, and present such reports to the Bishop when so required;
 - 8.4.2.1.4 prepare financial statements for publication or submission to the regular convention of the General Synod;
 - 8.4.2.1.5 submit financial records and statements to the Auditor for examination at least annually, or when it otherwise deems necessary;
 - 8.4.2.1.6 insure the insurable property of the Church as determined by resolution of the Council;
 - 8.4.2.1.7 have general oversight over all matters relating to the property of the Church; and

- 8.4.2.1.8 have the right to appoint an advisory committee to give advice and professional guidance on financial issues.
- 8.4.2.2 In reference to the LCA Pensions Fund its duties shall be to
 - 8.4.2.2.1 administer the funds entrusted to its control in accordance with the policy laid down by the General Synod;
 - 8.4.2.2.2 keep itself informed on matters relating to pensions, benefit schemes and social services, and at its discretion submit to the General Synod any amendments to the policy of the Church;
 - 8.4.2.2.3 recommend to the General Synod the scale of benefits and contributions applicable to any or all of the funds;
 - 8.4.2.2.4 set up the procedures and provide any forms necessary for the payment of benefits from the funds;
 - 8.4.2.2.5 investigate any applications for assistance not ordinarily covered by the regulations and make recommendations; and
 - 8.4.2.2.6 regulate and arrange the rest and refreshment leave/long-service leave of church workers.
- 8.4.3 The General Church Board shall meet at least twice a year. Special meetings may be called by the Chairperson, and shall be called by the Chairperson at the request of at least three [3] members of the General Church Board.

SECTION 8.5 FINANCE

- 8.5.1 The financial year of the Church shall end on 31 December of each year.

SECTION 8.6 THE COLLEGE OF BISHOPS

- 8.6.1 The College of Bishops shall consist of the Bishop and the Assistant Bishop of the Church and the Bishops of the Districts. The Secretary of the Church shall be a consultant.
- 8.6.2 The chief function of the College of Bishops shall be collectively to provide leadership, oversight and guidance to the Church, subject to the authority vested in the Bishop, as outlined in Section 8.2.1, according to Holy Scripture as interpreted by the Confessions of the Evangelical Lutheran Church.
- 8.6.3 The duties of the College of Bishops shall be to
 - 8.6.3.1 give special attention to the doctrine, worship and life of the Church;
 - 8.6.3.2 support the Bishop in the Bishop's role as the spiritual leader of the Church;
 - 8.6.3.3 encourage the Church to be active in Christ's mission and to strive for unity, harmony and good order in the Church;
 - 8.6.3.4 study developments and trends in church and society and give guidance to the pastors and members of the Church accordingly;
 - 8.6.3.5 care for the pastors of the Church and have oversight of their ministry;
 - 8.6.3.6 give leadership in the resolution of conflict in the Church;
 - 8.6.3.7 advise the General Church Board and any District Church Board on matters pertaining to the Church and its ministry;
 - 8.6.3.8 have oversight of, and report to the General Church Board on the work of the Commission on Theology and Inter-Church Relations, the Commission on Worship and the Commission on Social and Bioethical Questions;

- 8.6.3.9 assign, in consultation with the teaching staff, the pastor graduates of Australian Lutheran College and other pastors as the need arises; and
- 8.6.3.10 give pastoral support, care and counsel to each other.

8.6.4 The College of Bishops shall meet and consult regularly in order to carry out its work.

SECTION 8.7 THE BOARDS AND COUNCILS OF THE CHURCH

8.7.1 The By-laws in this section shall govern the administration of all boards of the Church.

- 8.7.2 8.7.2.1 The boards of the Church shall be
 - 8.7.2.1.1 Board for Lutheran Education Australia;
 - 8.7.2.1.2 Board of Directors of Australian Lutheran College;
 - 8.7.2.1.3 Finke River Mission Board; and
 such other boards as the Church may establish.
 - 8.7.2.2 The boards shall function according to Terms of Reference approved by the Church.
 - 8.7.2.3 Where the board is a legally incorporated entity, it shall have a constitution approved by the Church.
- 8.7.3 8.7.3.1 The councils of the Church shall be the
 - 8.7.3.1.1 Council for Local Mission; and
 such other councils as the Church may establish.
 - 8.7.3.2 The councils shall function according to Terms of Reference approved by the Church.
- 8.7.4 The Bishop of the Church shall be responsible for the appointment of a convenor who shall convene the first meeting of the board or council after the regular convention of the General Synod.
- 8.7.5 The tenure of office of a board or council shall generally be from three [3] months after it was appointed to three [3] months after the close of the next regular convention.
- 8.7.6 The Chairperson and any executive positions of each board and council shall be determined in accordance with the relevant Terms of Reference.
- 8.7.7 8.7.7.1 The board shall include provision in its annual budget for as many regular meetings as it deems necessary for that year.
 - 8.7.7.2 A special meeting of the board
 - 8.7.7.2.1 may be convened by the Chairperson; and
 - 8.7.7.2.2 shall be convened by the Chairperson at the request of two [2] members of the board.
 The reason for the meeting and the business to be transacted shall be stated in the notice of meeting.
 - 8.7.7.3 If any additional regular meeting or any special meeting will involve expenditure exceeding the budget of the board, the Chairperson shall notify the Executive of the General Church Board, and if in its judgment such meeting is warranted, the Executive shall authorise the Chairperson to call the meeting.
- 8.7.8 One-half of the members of the board shall constitute a quorum at any meeting.

- 8.7.9 8.7.9.1 The duties of the Chairperson shall be to
- 8.7.9.1.1 arrange the meetings together with the Secretary;
- 8.7.9.1.2 preside at the meetings;
- 8.7.9.1.3 see that all resolutions of the meetings are carried out; and
- 8.7.9.1.4 see that all necessary reports are prepared and submitted.
- 8.7.9.2 The duties of the Secretary shall be to
- 8.7.9.2.1 notify all members of the time and place of the meeting;
- 8.7.9.2.2 keep a faithful record of all minutes of the meeting;
- 8.7.9.2.3 receive and to attend to correspondence unless otherwise determined by the meeting; and
- 8.7.9.2.4 draw up an agenda for the meeting.
- 8.7.9.3 The duties of the Treasurer shall be to
- 8.7.9.3.1 keep a true record of all moneys received;
- 8.7.9.3.2 make payments authorised by the meeting;
- 8.7.9.3.3 furnish statements of receipts and expenditure at each meeting; and
- 8.7.9.3.4 prepare annually an audited statement of receipts and expenditure and, where applicable, a balance sheet.
- 8.7.10 In the absence of the Chairperson, the vice-Chairperson shall preside; or, if there be no vice-Chairperson, a chairperson shall be appointed by the meeting.
- 8.7.11 The boards and councils shall abide by the policies and requirements established by the General Church Board and shall
- 8.7.11.1 submit annually to the General Church Board a report which shall include
- 8.7.11.1.1 a record of the past year's activities in relation to planned objectives;
- 8.7.11.1.2 audited financial statements, including a balance sheet;
- 8.7.11.1.3 a written financial report that explains significant variations between budget and actual performance and, where necessary, how surpluses will be used and deficits funded; and
- 8.7.11.1.4 identification of its major programmatic and organisational risks and the plans to mitigate them;
- 8.7.11.2 submit for approval by the General Church Board a three year Strategic Plan which
- 8.7.11.2.1 articulates the main objectives for the period;
- 8.7.11.2.2 outlines the main activities to be implemented;
- 8.7.11.2.3 identifies how the Plan aligns to the LCA's Strategic Direction;
- 8.7.11.2.4 demonstrates cooperation with other LCA ministry areas; and
- 8.7.11.2.5 provides an indicative recurrent and capital budget for each year;
- 8.7.11.3 consult with the General Church Board in regard to the use of surpluses from operations or the possible investment of any funds entrusted to its control;
- 8.7.11.4 use money provided for specific purposes for any other purpose only with the sanction of the Executive of the General Church Board;
- 8.7.11.5 enter into or increase any financial commitment or overdraft limit only with the express permission and prior approval of the General Church Board;
- 8.7.11.6 seek the sanction of the General Church Board before making any financial appeal in the Church;
- 8.7.11.7 if it keeps its own books of account, ensure that the prescribed accounting procedures are used, and shall nominate an auditor for appointment by the General Church Board;

- 8.7.11.8 have the right to appoint sub-committees which include personnel who are not members of the board, provided that the Bishop of the Church has sanctioned their appointment; and such personnel may be regarded as consultants to the board;
 - 8.7.11.9 define the duties of any executive officer serving it, for approval by the General Church Board, and shall direct the work of, and receive reports from, such executive officers;
 - 8.7.11.10 provide the necessary regulations for any full-time employees;
 - 8.7.11.11 forward copies of its minutes to the General Church Board;
 - 8.7.11.12 submit to the General Synod a general and a financial report covering the synodical term;
 - 8.7.11.13 undertake and report on an annual evaluation of its performance to ensure effective governance; and
 - 8.7.11.14 advise the LCA Standing Committee on Nominations of its membership needs as identified by its evaluation processes and other considerations.
- 8.7.12 If an officer or member of a board has any direct or indirect pecuniary interest in any business transaction or proposed business transaction with the board or in any other matter in which the board is concerned, and is present at a meeting of the board at which the business transaction, or other matter is being considered, the officer or member shall at the meeting, as soon as practicable after the commencement thereof, disclose such interest, and shall not remain in the room in which the meeting is being held while any such matter is either being considered or being voted on.

SECTION 8.8 EXECUTIVE OFFICES OF BOARDS

- 8.8.1 8.8.1.1 Any full-time executive office for a board of the Church shall be established by the General Synod of the Church. Recommendations regarding the establishment of any such office may be made by the relevant board and shall be made through the General Church Board.
- 8.8.1.2 The term 'executive officer' in the By-laws shall mean the person filling any full-time executive office. The title given to any executive officer shall be determined by the General Church Board.
- 8.8.1.3 The duties of the executive officer shall be defined by the relevant board and be approved by the General Church Board.
- 8.8.2 8.8.2.1 An executive officer shall be appointed by the General Church Board after consultation with the relevant board.
- 8.8.2.2 An executive officer shall be appointed for the equivalent of one [1] synodical term, and shall be eligible for re-appointment.
- 8.8.3 8.8.3.1 Any Executive Officer not desiring re-appointment should generally give at least six months' notice of intention to the relevant board.
- 8.8.3.2 The board should generally give to an executive officer serving under its direction at least six [6] months' notice of any intention not to recommend re-appointment.
- 8.8.4 An executive officer shall work under the direction and within the policies of the relevant board.

SECTION 8.9 LAY WORKERS

- 8.9.1 There shall be a Roll of Lay Workers kept by the Church Worker Support Department. The Roll shall list the qualifications of Lay Workers.
- 8.9.2 The prerequisites for listing on the Roll of Lay Workers are:
- 8.9.2.1 The Lay Worker shall
 - 8.9.2.1.1 be a practising member of the Church;
 - 8.9.2.1.2 have met the minimum requirements as determined by the Church Worker Support Department and approved by the Church; and
 - 8.9.2.1.3 have been accepted for intended full-time or part-time service in the Church.
 - 8.9.2.2 The position of a Lay Worker shall be
 - 8.9.2.2.1 one involving a level of responsibility determined by the Church;
 - 8.9.2.2.2 established by the Church, a department or board of the Church, by a District of the Church or a committee of a District, by an Auxiliary of the Church, or by a congregation of the Church; and
 - 8.9.2.2.3 one to which no industrial award applies.
- 8.9.3 The Church Worker Support Department shall determine that the person filling any such position is eligible for inclusion on such Roll in accordance with the preceding Section 8.9.2.1.

SECTION 8.10 AUXILIARIES

- 8.10.1 The Auxiliaries recognised by the Church are
- 8.10.1.1 Lutheran Men of Australia;
 - 8.10.1.2 Lutheran Women of Australia;
 - 8.10.1.3 Lutheran Youth of Australia; and
 - 8.10.1.4 Lutheran Nurses Association of Australia.
- 8.10.2 The Church shall have at least one Counsellor connected with each Auxiliary. The Counsellor shall be appointed by the General Church Board from nominations made by the respective Auxiliary.
- 8.10.3 Each Auxiliary of the Church shall
- 8.10.3.1 undertake to conform in its constitution and activities with the constitution and principles of the Church; and
 - 8.10.3.2 submit a report on its activities to the regular convention of the General Synod through the General Church Board.
- 8.10.4 Any activities assigned to an Auxiliary by the General Synod or the General Church Board shall be carried on in conformity with the applicable policies of the Church, and full report of all operations shall be made to the General Synod and upon request to the General Church Board.

SECTION 9. THE DISTRICTS

- 9.1 The Districts of the Church are
- 9.1.1 NEW SOUTH WALES DISTRICT, comprising generally the State of New South Wales and the Australian Capital Territory;

- 9.1.2 QUEENSLAND DISTRICT, comprising generally the State of Queensland;
 - 9.1.3 SOUTH AUSTRALIA AND NORTHERN TERRITORY DISTRICT, comprising generally the State of South Australia and the Northern Territory;
 - 9.1.4 VICTORIAN DISTRICT, comprising the States of Victoria and Tasmania;
 - 9.1.5 WESTERN AUSTRALIA DISTRICT, comprising the State of Western Australia; and
 - 9.1.6 LUTHERAN CHURCH OF NEW ZEALAND as the New Zealand District, comprising the sovereign nation of New Zealand;
- provided however that any congregation located in an adjoining District shall belong to the District in which the parish to which it belongs is centred.
- 9.2 The Constitution and By-laws Part A of Districts laid down by the Church in pursuance of Article 9.2 of the Constitution of the Church are By-laws of the Church.
 - 9.3 The following special provisions and variations of provisions in the By-laws of the Church shall apply to the Lutheran Church of New Zealand as the New Zealand District of the Church:
 - 9.3.1 The nominee of the Bishop of the District may attend meetings of the General Church Board and the College of Bishops.
 - 9.3.2 Any provision that membership on any Board, Standing Committee or Commission of the Church shall include a representative from each District of the Church or from a Committee of each District shall not be considered as applicable to the New Zealand District except it be specifically laid down.
 - 9.4 The following provision and variation of the provisions in the By-laws shall apply to the Western Australia District:
 - 9.4.1 Any provision that membership on any Board, Standing Committee or Commission of the Church shall include a representative from each District of the Church or from a Committee of each District shall not be considered as applicable to the Western Australia District except it be specifically laid down.
 - 9.5
 - 9.5.1 A petition by a District pursuant to Article 11., Article 12.1 or Article 13.1 of the Constitution for Districts addressed to the Church or to the General Church Board shall be forwarded to the Secretary of the Church for presentation to the next convention of the General Synod or the next meeting of the General Church Board whichever shall first occur. The General Church Board may approve or reject the petition, or recommend an amended form, or refer the petition to the General Synod for determination. The Secretary shall notify the District of the decision.
 - 9.5.2 When a petition by a District is in a form already approved or recommended by the General Synod or the General Church Board, the Secretary of the Church may notify the District of the approval of the petition, and the formal approval shall be recorded in the minutes of the next meeting of the General Church Board.

SECTION 10. DISCIPLINE, ADJUDICATION AND APPEALS

SECTION 10.1 GENERAL PROVISIONS

- 10.1.1 Ecclesiastical discipline exercised in pursuance of Article 10.1 of the Constitution shall be carried out in an evangelical manner in accordance with Scriptural principles and

upholding the rules of natural justice. At all stages of the procedure the purpose of all ecclesiastical discipline, to gain a member, is to be observed.

- 10.1.2 All proceedings in a matter of discipline or adjudication or appeal arising from Article 10. of the Constitution shall be initiated and completed where possible in the first instance within the congregation or District within which it arose, to the intent that the matter shall be confined to as small an area as possible. Every endeavour shall be made not to have recourse to successive stages of the procedure laid down in Section 10. of these By-laws.
- 10.1.3 All matters of discipline or adjudication referred to in Article 10. of the Constitution shall be submitted to and determined by the judicial system of the Church in accordance with these By-laws.

SECTION 10.2 ECCLESIASTICAL DISCIPLINE BY A CONGREGATION

- 10.2.1 Before a matter is dealt with by a congregation in pursuance of Article 10.1.1 of the Constitution, the person or persons alleging a fault against a member
- 10.2.1.1 shall first, in personal admonition, endeavour to convince the member of such fault; and
- 10.2.1.2 shall, if unsuccessful, make the same endeavour in the presence of witnesses.
- 10.2.2 A matter pursuant to Article 10.1.1 of the Constitution shall, subject to the provisions of the preceding Section 10.2.1, be dealt with as follows:
- 10.2.2.1 A written allegation against the member, signed by not less than two [2] voting members of the congregation, shall be lodged with the pastor and the Committee of Elders. (In Section 10., if there be no Committee of Elders, that term shall mean "Committee of Lay Assistants" or a committee which has functions similar to a Committee of Elders or a Committee of Lay Assistants.)
- 10.2.2.2 The pastor and the Committee of Elders
- 10.2.2.2.1 shall satisfy themselves that the intent of the procedure stated in the preceding Section 10.2.1 has been followed;
- 10.2.2.2.2 shall fully investigate the allegation;
- 10.2.2.2.3 if the allegation be sustained, shall endeavour to convince the member of such fault; and
- 10.2.2.2.4 if they are unsuccessful in this endeavour, shall submit the allegation to the congregation.
- 10.2.2.3 Notice of the allegation shall be given to the member, who shall be invited to attend a meeting of the voting members of the congregation and respond to the allegation made.
- 10.2.2.4 When it has become evident, after admonition by the congregation, that the erring member remains impenitent, the final step of exclusion through excommunication shall be pronounced by the pastor as the called and ordained servant of the Word.
- 10.2.2.5 If the stages of discipline cannot be carried out because the erring member does not submit to the discipline of the congregation, the congregation at a duly called meeting may declare such a person to no longer be a member.
- 10.2.3 If either the pastor or the Committee of Elders of a congregation have not acted as required by the preceding Section 10.2.2.2 on a written allegation after having been given

a reasonable opportunity to do so, any two of the voting members who made the written allegation may lodge written notification of the failure to act with the Bishop of the respective District. Thereupon the Bishop shall act in the manner laid down in the following Section 10.2.5.

- 10.2.4 Any two of the voting members who made the written allegation or any member against whom it was made may within thirty [30] days lodge an Appeal in writing with the Bishop of the respective District against a decision relating to ecclesiastical discipline. Thereupon the Bishop shall act in the manner laid down in the following Section 10.2.5.
- 10.2.5 Upon the receipt of a written allegation pursuant to the preceding Section 10.2.3 or an appeal pursuant to the preceding Section 10.2.4, the Bishop shall endeavour to meet the intent stated in the preceding Section 10.1. If successful, the Bishop shall record that the case is closed. If unsuccessful, the Bishop may, in his discretion
- 10.2.5.1 submit the allegation against the member or members to the Tribunal Administrator for referral to a Tribunal; or
 - 10.2.5.2 submit the appeal to the Tribunal Administrator for referral to a Tribunal for determination; or
 - 10.2.5.3 submit a complaint against the congregation pursuant to Article 10.1.3 of the Constitution; or
 - 10.2.5.4 take no further action; or
 - 10.2.5.5 take such other steps as he considers pastorally appropriate.
- 10.2.6 If the member against whom an allegation is to be made be the pastor of the congregation or any teacher or other church worker who is in the service of the congregation, the allegation shall be made and dealt with pursuant to Article 10.1.2 of the Constitution.
- 10.2.7 The provisions of this Section 10.2 are in addition to any provision of the constitution and By-laws of the congregation in relation to ecclesiastical discipline. If there is any inconsistency between the two which cannot be resolved by the application of the preceding sentence, the provisions of this Section 10.2 shall have precedence to the extent of the conflict.

SECTION 10.3 ECCLESIASTICAL DISCIPLINE BY THE CHURCH AGAINST A PASTOR

- 10.3.1 Subject to the nature of the complaint and any legal requirements, before a matter is dealt with by the Church in pursuance of Article 10.2.2 of the Constitution, the person or persons alleging a fault against a pastor
- 10.3.1.1 shall first, in personal admonition consistent with the Scriptures, endeavour to convince the pastor of such fault; and
 - 10.3.1.2 shall, if unsuccessful, make the same endeavour in the presence of witnesses.
- 10.3.2 A matter pursuant to Article 10.2.2 of the Constitution shall, subject to the provisions of the preceding Section 10.3.1, be dealt with as follows:
- 10.3.2.1 A written allegation against the pastor, signed by not less than two [2] voting members of the Church, shall be lodged with the Bishop of the respective District and the College of Bishops.

- 10.3.2.2 Notice of the allegation shall be given to the pastor, who shall be invited to attend a meeting with the Bishop of the respective District and respond to the allegation made.
- 10.3.2.3 If the matter is not settled, the Bishop of the respective District and the College of Bishops
 - 10.3.2.3.1 shall satisfy themselves that the intent of the procedure stated in the preceding Section 10.3.1 has been followed, where appropriate; and
 - 10.3.2.3.2 shall cause the allegation to be investigated, a report prepared and provided to all parties together with appropriate pastoral care; and
 - 10.3.2.3.3 if, after responses from the parties involved, the investigation determines the allegation be sustained, shall endeavour to convince the pastor of such fault and the necessary subsequent action that may follow; or
 - 10.3.2.3.4 if they are unsuccessful in this endeavour, shall submit the allegation to the Tribunal.
- 10.3.2.4 If the preceding stages of Section 10.3 cannot be carried out because the erring pastor does not submit to the discipline of the Bishop of the respective District, the College of Bishops at a duly called meeting may declare such a person to no longer be on the Roll of Pastors.
- 10.3.3 Any two of the voting members who made the written allegation or any pastor against whom it was made may within thirty [30] days lodge an Appeal in writing with the Bishop of the respective District against a decision relating to ecclesiastical discipline. Thereupon the Bishop shall act in the manner laid down in the following Section 10.3.5.
- 10.3.4 Upon the receipt of an appeal pursuant to the preceding Section 10.3.3, the Bishop of the respective District shall endeavour to meet the intent stated in the preceding Section 10.1. If successful, the Bishop of the respective District shall record that the case is closed. If unsuccessful, the Bishop of the respective District may, in his discretion
 - 10.3.4.1 submit the appeal to the Tribunal Administrator for referral to a Tribunal for determination; or
 - 10.3.4.2 submit a complaint against the person or persons lodging the allegation pursuant to Article 10.1.3 of the Constitution; or
 - 10.3.4.3 take no further action; or
 - 10.3.4.4 take such other steps as he considers pastorally appropriate.
- 10.3.5 The provisions of this Section 10.3 are in addition to any provision of the constitution and By-laws of the Church in relation to ecclesiastical discipline. If there is any inconsistency between the two which cannot be resolved by the application of the preceding sentence, the provisions of this Section 10.3 shall have precedence to the extent of the conflict.

SECTION 10.4 THE JUDICIAL SYSTEM OF THE CHURCH

- 10.4.1 In these By-laws, unless the context requires otherwise
 - 10.4.1.1 'Appeal' means
 - 10.4.1.1.1 an appeal against a decision (including, but not limited to, order or determination) made in relation to a Complaint or a Dispute; or
 - 10.4.1.1.2 a submission pursuant to the preceding Section 10.2.5.2;

- 10.4.1.2 'Complaint' means a matter of ecclesiastical discipline which is
 - 10.4.1.2.1 an allegation of a breach of Article 10.1.2 or 3 of the Constitution; or
 - 10.4.1.2.2 a submission pursuant to the preceding Section 10.2.5.1 in respect of an allegation of a breach of Article 10.1.1 of the Constitution;
- 10.4.1.3 'Dispute' means a matter of adjudication pursuant to Article 10.2.2 of the Constitution;
- 10.4.1.4 'Interpretation Issue' means a matter of adjudication pursuant to Article 10.2.1 of the Constitution;
- 10.4.1.5 'Miscellaneous Issue' means a matter of adjudication pursuant to Article 10.2.3 of the Constitution;
- 10.4.1.6 'Matter' means
 - 10.4.1.6.1 a Complaint;
 - 10.4.1.6.2 a Dispute;
 - 10.4.1.6.3 a Miscellaneous Issue submitted to the Tribunal; or
 - 10.4.1.6.4 an Appeal;
- 10.4.1.7 'Tribunal Administrator' means the person referred to at the following Section 10.4.18;
- 10.4.1.8 'Tribunal' means the tribunal referred to at the following Section 10.4.22.

Complaints

- 10.4.2 10.4.2.1 A Complaint may be submitted for investigation and determination by
 - 10.4.2.1.1 not less than two [2] pastors or three [3] lay members;
 - 10.4.2.1.2 the Bishop of the Church; or
 - 10.4.2.1.3 the Bishop of a District.
- 10.4.2.2 A Complaint shall be submitted to the Tribunal Administrator for referral to a Tribunal.
- 10.4.2.3 A Complaint shall be submitted by a written statement containing the nature of the alleged breach of Article 10.1.1, 2 or 3 of the Constitution and the incident or facts on which the allegation is based with reasonable particularity. It shall be signed by the persons submitting it.
- 10.4.2.4 The Bishop of the respective District and the Bishop of the Church shall each have power to suspend from the duties of their office a pastor, teacher or other church worker against whom a Complaint has been submitted, until
 - 10.4.2.4.1 the Tribunal has heard and determined the Complaint and any disciplinary action to be taken has been determined and taken; and
 - 10.4.2.4.2 any Appeal in relation thereto has been heard and determined, or the time for submitting any such Appeal has expired
 if the Bishop is of the opinion that the welfare of the Church or persons connected with it or the protection of its good name requires such action.
- 10.4.2.5 The relevant Bishop may
 - 10.4.2.5.1 set or vary terms incidental to the suspension;
 - 10.4.2.5.2 withdraw or reinstate the suspension during the period referred to at the following Section 10.4.4.

Interpretation Issues

- 10.4.3 10.4.3.1 An Interpretation Issue may be submitted for adjudication by the following:
 - 10.4.3.1.1 in respect of the Constitution, By-laws, rules, or resolutions of the Church, by the General Synod or by any one of those who under

- the By-laws of the Church are entitled to submit matters for discussion by the General Synod;
- 10.4.3.1.2 in respect of the Constitution, By-laws, rules, or resolutions of a District, by the respective Synod or by any one of those who under the By-laws of that District are entitled to submit matters for discussion by the Synod of that District; and
 - 10.4.3.1.3 in respect of the Constitution, By-laws, rules or resolutions of a parish or congregation, by any five [5] voting members of the parish or congregation.
- 10.4.3.2 An Interpretation Issue shall be submitted for adjudication as follows:
- 10.4.3.2.1 in respect of the Constitution, By-laws, rules or resolutions of the Church, to the Standing Committee on Constitutions of the Church;
 - 10.4.3.2.2 in respect of the Constitution, By-laws, rules, or resolutions of a District, to the Constitutions Committee of the respective District, unless the Synod or the Church Council of the respective District determines that it be submitted to the Standing Committee on Constitutions of the Church; and
 - 10.4.3.2.3 in respect of the Constitution, By-laws, rules or resolutions of a parish or congregation, to the Constitutions Committee of the respective District.
- 10.4.3.3 An Interpretation Issue shall be submitted by written statement containing the question to be adjudicated upon and the facts or other details giving rise to it. It shall be signed by the persons submitting it.

Disputes

- 10.4.4 10.4.4.1 A Dispute may be submitted for adjudication by any of the parties to it.
- 10.4.4.2 A Dispute shall be submitted to the Tribunal Administrator for referral to a Tribunal.
- 10.4.4.3 A Dispute shall be submitted by written statement containing the nature of the dispute and the facts giving rise to it with reasonable particularity.

Miscellaneous Issues

- 10.4.5 10.4.5.1 A Miscellaneous Issue may be submitted for adjudication by any congregation, pastor or lay member.
- 10.4.5.2 A Miscellaneous Issue shall be submitted to the Church Council of a District or to the General Church Board. It is in the absolute discretion of the respective Church Council to accept or not to accept the Miscellaneous Issue for adjudication and also to determine who will adjudicate upon it.
- 10.4.5.3 A Miscellaneous Issue shall be submitted by written statement containing the nature of the matter and the facts or other details giving rise to it.

Appeals

- 10.4.6 10.4.6.1 An Appeal in respect of a Complaint may be submitted and allowed on any of the following grounds and no other:
 - 10.4.6.1.1 against the orders of the Tribunal
 - 10.4.6.1.1.1 that the findings of fact by the Tribunal are manifestly against the evidence and the weight of the evidence; or
 - 10.4.6.1.1.2 that the Tribunal failed to observe natural justice and the party submitting the Appeal was manifestly prejudiced by the failure; or

- 10.4.6.1.2 against the disciplinary action determined upon
 - 10.4.6.1.2.1 that it is manifestly excessive or manifestly inadequate in severity.
- 10.4.6.2 An Appeal against the orders of the Tribunal in respect of a Dispute may be submitted and allowed on any of the following grounds and no other:
 - 10.4.6.2.1 that the findings of fact by the Tribunal are manifestly against the evidence and the weight of the evidence;
 - 10.4.6.2.2 that the Tribunal failed to observe natural justice and the party lodging the Appeal was manifestly prejudiced by the failure; or
 - 10.4.6.2.3 that the orders are manifestly unjust.
- 10.4.6.3 No appeal may be submitted or allowed in respect of an Interpretation Issue or a Miscellaneous Issue or a recommendation of the Tribunal.
- 10.4.7 10.4.7.1 An Appeal against orders made in relation to a Complaint or a Dispute may be submitted by any of the parties, the Bishop of the Church or the Bishop of any relevant District. It must be submitted within thirty [30] days of the date the orders are made. The Tribunal Administrator may extend the time for submitting an Appeal by up to thirty [30] days if exceptional circumstances are established by the person who wants to submit it.
- 10.4.7.2 An Appeal against the disciplinary action determined upon by the respective Bishop in respect of a proved breach of Article 10.1.2 or 3 of the Constitution may be submitted by any of the parties. It must be submitted within thirty [30] days of the date of the giving of notice of the determination to the respective Secretary. The Tribunal Administrator may extend the time for submitting an Appeal by up to thirty [30] days if exceptional circumstances are established by the person who wants to submit it.
- 10.4.7.3 An Appeal shall be submitted to the Tribunal Administrator for referral to a Tribunal.
- 10.4.7.4 An Appeal shall be submitted by a written statement in duplicate containing
 - 10.4.7.4.1 the grounds on which it is submitted; and
 - 10.4.7.4.2 the circumstances giving rise to those grounds.
 It shall be signed by the person or persons submitting it.
- 10.4.7.5 If the Tribunal upholds an Appeal, its orders in the Appeal shall apply in substitution for the corresponding orders or other decision at first instance.

Disciplinary Action

- 10.4.8 The disciplinary action which may be taken against a pastor, teacher or other church worker in respect of a proved breach of Article 10.1.2 of the Constitution shall be any one or more of the following:
 - 10.4.8.1 private censure and admonition by the respective Bishop;
 - 10.4.8.2 public censure and admonition before the convention of the respective Synod or General Synod;
 - 10.4.8.3 suspension by the respective Bishop from the duties of the relevant office for a designated period;
 - 10.4.8.4 suspension by the respective Bishop from the relevant office and its functions until there is satisfactory evidence of repentance and amendment, which suspension in the absence of such evidence shall at a time determined by the respective Church Council be followed by dismissal as provided for in the following Section 10.4.8.5; or
 - 10.4.8.5 dismissal by the Bishop of the Church in consultation with the General Church Board on the recommendation of the respective Bishop and Church Council of

a District, and removal from the Roll of Pastors or the Register of Lay Workers.

- 10.4.9 The disciplinary action which may be taken against a congregation in respect of a proved breach of Article 10.1.3 of the Constitution shall be any one or more of the following:
- 10.4.9.1 censure and admonition by the Bishop of the respective District;
 - 10.4.9.2 public censure and admonition before the convention of the Synod of the respective District;
 - 10.4.9.3 suspension from membership in the Church by action of the Church Council of the respective District; or
 - 10.4.9.4 exclusion from membership in the Church by action of the Church Council of the respective District and removal from the Roll of Congregations.
- 10.4.10 The Tribunal which determines the pastor, teacher or other church worker has breached Article 10.1.2 of the Constitution shall make a recommendation to the respective Bishop as to the disciplinary action to be taken by him. The recommendation shall be officially recorded by the respective Secretary.
- 10.4.11 10.4.11.1 The respective Bishop shall determine the disciplinary action to be taken, but must give the party against whom it is to be taken the opportunity to be heard in relation to it.
The Bishop must either
- 10.4.11.1.1 determine that the recommended disciplinary action be taken; or
 - 10.4.11.1.2 after consultation with the Tribunal which made the recommendation and with the respective Church Council, in the exercise of a prerogative of mercy
 - 10.4.11.1.2.1 suspend the operation of the recommended disciplinary action; or
 - 10.4.11.1.2.2 mitigate the recommended disciplinary action; or
 - 10.4.11.1.2.3 mitigate the recommended disciplinary action and suspend its operation.
- 10.4.11.2 The Bishop shall state in writing to the respective Secretary and the parties concerned the disciplinary action determined upon. The Secretary shall officially record it.
- 10.4.11.3 If the operation of a disciplinary action or a mitigated disciplinary action has been suspended and remains suspended for a period of two [2] years such disciplinary action shall thereafter have no further operation.
- 10.4.11.4 If the Tribunal upholds an Appeal against the disciplinary action determined upon, its orders in the Appeal shall apply in substitution for the corresponding determination of the respective Bishop and the respective Secretary shall officially record them accordingly.
- 10.4.12 It shall be the duty of all pastors, teachers, other church workers, lay members and congregations to respect the disciplinary action of the Church. Disregard of any such disciplinary action shall in itself be deemed a violation of order and may lead to further disciplinary action.

Notices

- 10.4.13 Any notice or other document required to be given under this Section 10. may be given as follows:
- 10.4.13.1 by personal service on the person to whom the notice or other document is to be given.

- 10.4.13.2 by post to the residential or business address of the person to whom the notice or other document is to be given last known to or reasonably ascertainable by the person giving the notice or other document. The notice or other document will be deemed to have been given five [5] business days (in the place of receipt) after posting.
- 10.4.13.3 by facsimile or e-mail to a facsimile number or e-mail address provided for that purpose by the person to whom the notice or other document is to be given. Notice will be deemed to have been given two [2] business days (in the place of receipt) after sending.
- 10.4.13.4 if the notice is not required to be in writing, by oral communication (including by telephone) directly to the person to whom the notice is to be given.
- 10.4.13.5 if the notice or other document is to be given to a constituted group of people, by any of the means at the preceding Section 10.4.13.1-4 to the chairperson, secretary or other similar office holder of the group.
- 10.4.13.6 if the notice or other document is to be given to an office holder of the Church or of a District in their capacity as such office holder, the address and facsimile number of the Church or District (as the case may be) shall be deemed to be their business address and their facsimile number for the purposes of the preceding Section 10.4.13.2-3.

The Tribunal

Tribunal Panel

- 10.4.14 The General Church Board shall appoint as tribunal panel members
 - 10.4.14.1 one [1] or more pastors from each District; and
 - 10.4.14.2 two [2] or more lay-members from each District.
- 10.4.15 A tribunal panel member must be appointed for a term not longer than six [6] years, but shall be eligible for re-appointment on the expiry of the term.
- 10.4.16 A tribunal panel member may resign by signed notice of resignation given to the General Church Board.
- 10.4.17 The General Church Board shall remove a tribunal panel member from office if
 - 10.4.17.1 the General Church Board considers the member is incapable of properly discharging the functions of a tribunal member; or
 - 10.4.17.2 the member ceases to be either a pastor or a lay member.

Tribunal Administrator

- 10.4.18 The General Church Board shall appoint a person to be the Tribunal Administrator and another person to be the deputy tribunal administrator. The appointees may be, but need not be, tribunal panel members. They must be a pastor or a lay member.
- 10.4.19 The appointments must be for a term of not longer than six [6] years, but may be renewed on expiry of the term.
- 10.4.20 The appointments or either of them may be terminated at any time by the General Church Board.
- 10.4.21 The deputy tribunal administrator shall carry out the functions of the Tribunal Administrator when requested to do so by the Tribunal Administrator or by the Bishop of the Church.

Composition of a Tribunal

- 10.4.22 A Tribunal is to consist of the following tribunal members appointed by the Tribunal Administrator:
- 10.4.22.1 a tribunal panel member as the presiding member;
 - 10.4.22.2 at least two [2] other persons. The appointees may be, but need not be, tribunal panel members. They must be a pastor or a lay member.
- 10.4.23 In appointing tribunal members to a Tribunal, the Tribunal Administrator shall have regard to
- 10.4.23.1 the nature of the Matter;
 - 10.4.23.2 the location of the parties to the Matter;
 - 10.4.23.3 whether or not it is desirable for a pastor to be a member;
 - 10.4.23.3 the avoidance of relevant bias; and
 - 10.4.23.4 such other matters as the Tribunal Administrator considers relevant.
- If the Tribunal is being appointed to hear and determine an Appeal, no person whose decision (whether made alone or with others) is a subject of the Appeal shall be appointed.
- 10.4.24 If a tribunal member becomes unable or unwilling to carry out their functions after appointment, the Tribunal Administrator shall
- 10.4.24.1 appoint another person to be a tribunal member in their place and direct that the hearing of the Matter continue; or
 - 10.4.24.2 direct that the remaining tribunal members comprise the Tribunal and that they continue the hearing of the Matter; or
 - 10.4.24.3 direct that the hearing be discontinued and appoint another Tribunal to hear the Matter anew.
- 10.4.25 If
- 10.4.25.1 the Tribunal Administrator directs in accordance with the preceding Section 10.4.24.1 or 2; and
 - 10.4.25.2 the tribunal member unable or unwilling to carry out their functions was the presiding member,
- the Tribunal Administrator shall appoint another tribunal panel member to be the presiding member in their place.
- 10.4.26 If the Tribunal Administrator directs in accordance with the preceding Section 10.4.24.2, the presiding member shall have a casting vote, notwithstanding the provisions of the following Section 10.4.46.

Function, Jurisdiction and General Powers of Tribunal

- 10.4.27 A Tribunal's function and jurisdiction is to hear, determine and otherwise deal with ('hear'), in accordance with the Constitution and these By-laws, Matters which are referred to it by the Tribunal Administrator.
- 10.4.28 A Tribunal may do all things necessary or convenient to be done for, or in relation to, the performance of its function.

Submissions to Tribunal

- 10.4.29 Matters may be submitted to the Tribunal Administrator for referral to a Tribunal only in accordance with
- 10.4.29.1 the preceding Section 10.2.5.
 - 10.4.29.2 the preceding Section 10.4.2.
 - 10.4.29.3 the preceding Section 10.4.4.

10.4.29.4 the preceding Section 10.4.5.

10.4.29.5 the preceding Section 10.4.6.

10.4.30 As soon as is practicable after receipt of a submission, the Tribunal Administrator must give a copy of it to

10.4.30.1 each party to it other than the party submitting it; and

10.4.30.2 the Bishop of the Church and the Bishop of any relevant District.

10.4.31 Within thirty [30] days after the submission is received, the Tribunal Administrator must

10.4.31.1 either

10.4.31.1.1 appoint a Tribunal to hear the Matter; and

10.4.31.1.2 give notice to the tribunal members of their appointment to hear the Matter; and

10.4.31.1.3 give notice to the parties to the Matter, the Bishop of the Church and the Bishop of any relevant District of the appointment and composition of the Tribunal to hear the Matter;

10.4.31.2 or

10.4.31.2.1 notify the person who made the submission that prima facie the submission is not in respect of a Matter and that a tribunal will not be appointed to hear it; and

10.4.31.2.2 give the person the reasons for such decision; and

10.4.31.2.3 give a copy of the notification and reasons to the Bishop of the Church and to the Bishop of any relevant District.

Tribunal Hearings

10.4.32 Before a Tribunal hears a Matter, the presiding member may decide to hold a directions hearing either in person or by telephone or other means.

10.4.33 If the presiding member decides to hold a directions hearing, the presiding member must give reasonable notice to the parties to the Matter of the time, date, means and, if applicable, place of the directions hearing.

10.4.34 The provisions of these By-laws about the conduct of, and procedure at, a Tribunal's hearing of a Matter and the Tribunal's powers at the hearing apply, with the necessary changes, to the directions hearing.

10.4.35 At a directions hearing

10.4.35.1 the Tribunal is constituted by the presiding member; and

10.4.35.2 the Tribunal may make the decisions and give the directions it considers appropriate.

10.4.36 Without limiting the preceding provision, at a directions hearing the Tribunal may make decisions and give directions about

10.4.36.1 the Tribunal's jurisdiction;

10.4.36.2 rectification of any lack of compliance with the procedure laid down in Scriptural principles pursuant to the preceding Section 10.1.1;

10.4.36.3 if the Matter is an Appeal, as to whether the hearing will be by way of re-hearing or otherwise.

10.4.37 The presiding member of a Tribunal is to preside at the Tribunal's hearing of a Matter.

10.4.38 The Tribunal may sit at the times and places the presiding member decides.

- 10.4.39 The Tribunal's hearing of a Matter is not open to the public. However, a person may attend the Tribunal's hearing with the agreement of the Tribunal.
- 10.4.40 The following persons are entitled to appear and be heard at the Tribunal's hearing of a Matter:
- 10.4.40.1 the parties to the Matter; and
 - 10.4.40.2 a person granted leave to appear by the Tribunal.
- 10.4.41 At the Tribunal's hearing of a Matter, a party to the Matter or person granted leave to appear may be represented by or assisted by a pastor or a lay-member.
- 10.4.42 When hearing a Matter, the Tribunal must
- 10.4.42.1 observe natural justice; and
 - 10.4.42.2 act as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the issues before it.
- 10.4.43 In conducting the hearing, the Tribunal
- 10.4.43.1 is not bound by the rules of evidence; and
 - 10.4.43.2 may inform itself of any matter in the way it considers appropriate; and
 - 10.4.43.3 may decide the procedures to be followed for the hearing.
- 10.4.44 The Tribunal may at any stage of the hearing of a Matter amend the particulars of the Matter in the way it considers appropriate
- 10.4.44.1 if asked by the party who initiated the Matter; or
 - 10.4.44.2 on its own initiative if the parties agree.
- 10.4.45 The Tribunal may at any stage of the hearing of a Matter make orders which bring the hearing to an end if it considers that further hearing is not warranted.
- 10.4.46 A Matter before the Tribunal must be decided by a majority of the tribunal members, subject to the provisions of the preceding Section 10.4.26.
- 10.4.47 The Tribunal must keep a record of its proceedings. The record may be kept in the way the Tribunal considers appropriate. The record shall be the property of the Church.
- 10.4.48 At the hearing of a Matter, the Tribunal may
- 10.4.48.1 proceed in the absence of a party to the Matter;
 - 10.4.48.2 by written notice, require a pastor or lay-member to attend the hearing at a specified time, date and place
 - 10.4.48.2.1 to give evidence; or
 - 10.4.48.2.2 to produce a specified document or thing; or
 - 10.4.48.3 adjourn the hearing from time to time.
- 10.4.49 A person must not state anything to the Tribunal that the person knows is false or misleading in a material particular, nor give to the Tribunal a document containing information the person knows is false or misleading without informing the Tribunal, to the best of the person's ability, how it is false or misleading.
- 10.4.50 Pastors and lay-members shall give reasonable cooperation to the Tribunal to allow it to perform its function.

Tribunal Orders

10.4.51 The Tribunal shall have due regard to the principles referred to in Article 10.1 of the Constitution and the preceding Section 10.1 in making orders.

10.4.52 The Tribunal may make the orders it considers to be just.

10.4.53 The Tribunal shall make recommendations as required by the By-laws. A recommendation is not an order or other decision of the Tribunal and there shall be no right of appeal in respect of it.

10.4.54 The presiding member must give

10.4.54.1 the parties to the Matter;

10.4.54.2 any other person in respect of whom an order or recommendation is made;

10.4.54.3 the Tribunal Administrator;

10.4.54.4 the Bishop of the Church and the Bishop of any relevant District; and

10.4.54.5 any other party the presiding member considers appropriate
written notice of the orders or recommendations as soon as practicable after they have been made.

10.4.55 The Tribunal must give reasons for its orders to the parties to the Matter and may give reasons to the other persons referred to in the preceding Section 10.4.54.

10.4.56 10.4.56.1 The Church,

10.4.56.2 Districts,

10.4.56.3 congregations,

10.4.56.4 parishes,

10.4.56.5 pastors and

10.4.56.6 lay members

must not fail to comply with a Tribunal order without reasonable excuse.

10.4.57 A Tribunal order is binding on each party to the Matter whether or not the party has appeared or been represented at the Tribunal's hearing.

10.4.58 10.4.58.1 10.4.58.1.1 A Tribunal's hearing of a Matter (other than an Appeal which a court of competent jurisdiction decides to review) and a Tribunal's orders in relation to it; and

10.4.58.1.2 the respective Bishop's determination as to disciplinary action in relation to a Complaint;

are final and must not be questioned except on appeal pursuant to these By-laws.

10.4.58.2 A Tribunal's hearing of an Appeal and a Tribunal's orders in respect of it are final and must not be questioned, subject only to the supervision of any court of competent jurisdiction.

Other Provisions

10.4.59 Each party to a Matter must bear the party's own costs of the Tribunal's hearing of it.

10.4.60 Notwithstanding that a Matter has been referred to a Tribunal for hearing

10.4.60.1 the parties are exhorted to endeavour to resolve it by other proper means;
and

10.4.60.2 relevant persons such as the Bishop of the Church or the Bishop of a relevant District may continue with or initiate steps to resolve it by other proper means.

10.4.61 The Tribunal Administrator may, in consultation with the deputy tribunal administrator, from time to time prescribe non-mandatory procedures for the making of submissions to the Tribunal and the hearing of Matters. Such procedures shall not be in derogation of the generality of a Tribunal's powers to determine its own procedures.

SECTION 11. BY-LAWS

11.1 The Terms of Reference for each board and council of the Church are By-laws of the Church.

11.2 The Constitution and By-laws Part A of Districts laid down by the Church in pursuance of Article 9.2 of the Constitution of the Church are By-laws of the Church.

CONSTITUTION OF THE DISTRICTS

Originally adopted 1966; amended 1970, 1975, 1978, 2006

Note: Article 9.2 of the Constitution of the Church states:

The Constitution of each District shall be in accordance with the Constitution for Districts prescribed by the By-laws, subject to such additions or modifications as may be required by the law of the State or country within which the District is located, or as may be necessary or expedient by reason of local conditions or otherwise, provided that all such additions and modifications shall be approved by the General Synod or the General Church Board.

Note: Section 11.3 of the By-laws of the Church states:

The Constitution and By-laws Part A of Districts laid down by the Church in pursuance of Article 9.2 of the Constitution of the Church are By-laws of the Church.

CONSTITUTION

Article 1. NAME AND INTERPRETATION

- 1.1 The name of the District is LUTHERAN CHURCH OF AUSTRALIA, DISTRICT.
- 1.2 In this Constitution and the By-laws made thereunder, unless the context or subject matter otherwise requires:
 - 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;
 - 1.2.2 '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 'the Church' means the Lutheran Church of Australia Incorporated;
 - 1.2.4 '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;
 - 1.2.5 'congregation' means a group of 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;
 - 1.2.6 'District' means the Lutheran Church of Australia District;
 - 1.2.7 'Evangelical Lutheran Church' is a generic reference to churches throughout the world which proclaim the Gospel of Jesus Christ as understood and confessed in the Book of Concord of 1580;
 - 1.2.8 'financial year' means the year ending 31 December;
 - 1.2.9 'District Church Council' means the voting members of the District elected to administer the affairs of the District;
 - 1.2.10 'lay member' means any member of a congregation of the District other than a pastor;
 - 1.2.11 'parish' means a congregation or a group of congregations forming an entity which is served by one or more pastors;

- 1.2.12 '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 according to Article 5.1;
- 1.2.13 '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;
- 1.2.14 'teacher' means any pastor or lay member called or appointed by the District or any of its congregations to serve on the teaching staff of a school or educational institution established and maintained by the District or congregation;
- 1.2.15 'Zone' means a prescribed geographical area or other sector within the District; and
- 1.2.16 words importing the singular number shall be deemed to include the plural number.

Article 2. CONFESSION

- 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 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 in the preceding 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 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
 - 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 practised; 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
- 3.2.1 The property and income of the District shall be applied solely towards the promotion of the objects or purposes of the District and the Church and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the District of the Church, except in good faith in the promotion of those objects or purposes.
 - 3.2.2 A payment may be made to a member out of the funds of the District only if it is authorised under the following clause 3.2.3.
 - 3.2.3 A payment to a member out of the funds of the District is authorised if it is
 - 3.2.3.1 payment in good faith to the member as reasonable remuneration for any services provided to the District, or for goods supplied to the District, in the ordinary course of business; or
 - 3.2.3.2 payment of interest, on money borrowed by the District from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - 3.2.3.3 payment of reasonable rent to the member for premises leased by the member to the District; or
 - 3.2.3.4 reimbursement of reasonable expenses properly incurred by the member on behalf of the District; or
 - 3.2.3.5 making a payment or providing a benefit to a member in carrying out the objects of the District for charitable purposes.

Article 4. MEMBERSHIP

- 4.1 The membership of the District shall include congregations of baptised members. Such congregations shall

- 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 and By-Laws 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 7.2.1.

- 4.2 The District shall consist of
 - 4.2.1 the congregations which are members of the Church in the area of the District;
and
 - 4.2.2 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 any Church tribunal in accordance with the By-laws in consequence of any such termination of membership.

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.
- 5.2 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.

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 authority to carry out its 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 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 incidental or conducive 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 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 principals of secondary schools in the District;
 - 7.2.5 chairpersons of Standing Committees of the District; and
 - 7.2.6 the Treasurer/Administrator/Executive Secretary
- who shall comprise the voting members, known as 'delegates'.
- 7.3
- 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 in the By-laws to exercise that right.
- 7.7 The length of the synodical term shall be one [1] year 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 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.
Notice of a special convention stating its purpose shall be given to the members of the Synod by the Secretary as laid down in the By-laws Part B.
- 7.10 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.
- 7.11 Subject to this Constitution and the By-laws, the Synod may determine its own procedure.
- 7.12 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.

Article 8. OFFICERS AND ADMINISTRATION

- 8.1 The Officials of the District shall be a Bishop, one or more 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, and as many other members as it may determine 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.
- 8.5 The District may establish as many full-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.
- 8.6 The District shall appoint such commissions, tribunals and other bodies and officers as it may deem necessary and shall prescribe their duties.
- 8.7 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, 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.
- 8.8 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 Church Council of the District.

Article 9. ZONES

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

- 10.2 The District shall have the authority within its area to adjudicate upon matters
 - 10.2.1 which pertain to the interpretation of its Constitution, rules or regulations;
 - 10.2.2 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
 - 10.2.3 which are submitted to the District and accepted by it for adjudication.
- 10.3 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 in the By-laws of the Church.

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 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 Written 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 a special motion, 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 not less than three-quarters [3/4] of all the registered delegates of the General Synod.
 - 11.2.3 Once a decision has been determined by the Church according to the preceding clause 11.2.2 it shall be communicated to the District which shall then take the following action:
 - 11.2.3.1 Written 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 action to be taken as a special motion, 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 not less than three-quarters [3/4] of all the registered delegates of the District Synod.
 - 11.2.3.4 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 Written 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 a special motion, 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 not less than three-quarters [3/4] of all the registered delegates of the District Synod.
 - 11.3.2.4 The special resolution shall be submitted to the General Church Board.
 - 11.3.3 Upon agreement, the General Church Board, subject to the provisions 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.
- 11.5 The District Synod shall take all steps required to implement the special resolution for action under this clause, including the making of changes required in respect of incorporation under the Act and/or other relevant legislation.

Article 12. 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.
- 12.2 The District shall have the power at a convention of the Synod to make By-laws Part B not inconsistent with 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.
- 12.3 Where a convention determines, without prior notice on the agenda of a motion to amend, alter, add to or repeal a By-law, to deal with any such matter, the Bishop has absolute discretion to defer consideration thereof and voting thereon until the next day.

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 Board, 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 majority of not less than two-thirds [2/3] of all the registered delegates at the convention, 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 voting.

BY-LAWS PART A OF THE DISTRICTS

Section 4. MEMBERSHIP

Reception into Membership

- 4.1 A congregation seeking membership in the Church 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 Constitution in which it
- 4.1.1 accepts and holds the Confession of the Church;
 - 4.1.2 accepts the Constitution and By-laws of the Church and of the District;
 - 4.1.3 undertakes to participate in the program and work of the Church and of the District;
 - 4.1.4 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;
 - 4.1.5 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.
- 4.2 Upon receipt of an acceptable application for membership the Bishop of the District with the approval of the Church Council shall admit the congregation 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.

Withdrawal from Membership

- 4.3 A congregation may withdraw from membership in the Church by adopting the following procedure:
- 4.3.1 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 not less than 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.
 - 4.3.2 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.
 - 4.3.3 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.
 - 4.3.4 The final motion to withdraw shall require a majority of not less than 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.

- 4.3.5 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 judicial system of the Church.

Preaching Centres

- 4.4 The District recognises the existence of groups of persons 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. Such a group of persons has the status of being a preaching centre. The District recognises that a preaching centre has the same spiritual privileges and responsibilities as a congregation, 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.

Section 5. THE MINISTRY

General

- 5.1 The By-laws of the Church regarding the Ministry shall be applicable within the District.

Pastors' Conference

- 5.2 The duties of the Pastors' Conference shall be to
- 5.2.1 give guidance in matters of doctrine and confession;
 - 5.2.2 foster theological studies by all members of the Ministry;
 - 5.2.3 stimulate and give guidance to the members of the Ministry in the work of their calling;
 - 5.2.4 foster fellowship between the members of the Ministry;
 - 5.2.5 consider matters relating to the well-being of the Church and of the District in particular; and
 - 5.2.6 make nominations for the position of Bishop and Assistant Bishop(s).

Section 7. THE SYNOD

- 7.1 Lay delegates shall be voting members of the congregation.
- 7.2 The following shall be entitled to submit matters for discussion at the convention of the Synod of the District:
- 7.2.1 any congregation;
 - 7.2.2 any parish;
 - 7.2.3 any Standing Committee, Council, and Commission of the District, provided the matter is within its terms of reference;
 - 7.2.4 the Pastors' Conference;
 - 7.2.5 the Church Council, or its Executive; or
 - 7.2.6 the General Church Board of the Church, or its Executive.

Procedure In Transacting Business

- 7.3 7.3.1 The business of a convention of the District Synod shall be chaired by the Bishop, or at the Bishop's request, the First Assistant Bishop, the Second Assistant Bishop or with the consent of the convention, a lay person may be elected.

- 7.3.2 The Chairperson shall ensure that a quorum is present at all times.
- 7.3.3 In addition to the voting members and the consultants, the right to speak may be exercised by recognised official visitors, by any additional members of the teaching staff of Australian Lutheran College present, and, when the reports of a board are before the convention, by any member of the respective board. Any other member of the District present who desires to speak may do so at the discretion of the Chairperson.
- 7.3.4 Persons entitled to speak and desiring to exercise such right shall ask for the floor by raising their hand or otherwise indicating to the Chairperson their desire to speak, and when called upon to speak they shall stand and address themselves to the chair. No interruption to speech shall be permitted, except upon a question of order.
- 7.3.5 All proposals on the Agenda shall be placed before the convention for discussion and decision, unless withdrawn.
- 7.3.6 All reports published in the official book of reports or in supplements thereto shall be regarded as received by the convention by virtue of that fact.
- 7.3.7 A motion or amendment, including any proposal stemming from the reports of councils or boards, may be discussed and voted on only after it has been moved and seconded by a delegate.
- 7.3.8 At the request of the mover and seconder, and with the consent of the convention, a motion or an amendment may be withdrawn.
- 7.3.9 A proposal which has not been moved may be withdrawn by the body from which it originated. A proposal which has been printed in the agenda of the convention, but which has not been moved, may be withdrawn by the body from which it originated, with the consent of the convention.
- 7.3.10 Only one amendment to a motion shall be before the chair at any time. After the same has been agreed to or rejected another amendment may be moved. Notice of further amendment may be given at any time.
- 7.3.11 Every amendment shall be relevant to the motion to which it refers.
- 7.3.12 Proposers of amendments and of any motions not previously printed shall submit them to the Chairperson in writing either in advance, whenever possible, or when requested to do so by the Chairperson.
- 7.3.13 Those taking part in a debate shall be limited to one [1] speech on a motion or amendment, except to clear up misunderstanding or in exercising the right of reply, or except the meeting grant permission.
- 7.3.14 A right of reply is only allowed to the mover of the original motion. It concludes the debate unless there are one or more amendments, in which case it may be exercised at the conclusion of the debate on the first amendment.

- 7.3.15 Seconded amendments are new questions and persons who have spoken to the motion shall be permitted to speak again.
- 7.3.16 The mover of any motion shall be permitted to speak for five [5] minutes, and three [3] minutes shall be the limit for all other speakers unless a resolution granting extension of time be granted by the convention.
- 7.3.17 The Chairperson shall give ample opportunity for speakers for and against a motion or an amendment to be heard and if there are no speakers against, it shall be put without the right of reply.
- 7.3.18 As a general rule motions and amendments shall be read before a vote is taken, and the Chairperson shall if necessary briefly explain their meaning.
- 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.
- 7.3.20 A motion shall be decided by a show of hands unless a ballot is required by the Chairperson or demanded by a delegate and granted by resolution of the convention. In the event of a disagreement as to the result of the vote, a recount or second vote may be demanded.
- 7.3.21 If in the opinion of any delegate an irregularity of procedure occurs the delegate may immediately without asking permission from the chair rise to a 'point of order' and shall be heard forthwith. The delegate shall explain the point of order clearly and briefly without introducing new matter. The Chairperson shall decide either to uphold or disallow the point raised, and it shall not be debated unless an appeal be made against the ruling of the Chairperson.
- 7.3.22 Deference shall be paid to the Chairperson's authority. All present shall be seated whenever the Chairperson rises to speak, and the Chairperson shall be heard without interruption, except when a point of order is raised.
- 7.3.23 The Chairperson may call attention to continued irrelevance or tedious repetition on the part of a speaker, and may direct the speaker to cease speaking.
- 7.3.24 If disorder should arise the Chairperson may announce an adjournment of the convention and leave the chair, and by that action the convention is immediately adjourned for a period that shall not exceed one-half hour.
- 7.3.25 The Chairperson may speak briefly for the purpose of giving some desired or necessary information. If, however, the Chairperson wishes to take an active

part in a debate, a Assistant Bishop or some other appointed person shall take the chair.

- 7.3.26 The Chairperson may determine when a vote is to be taken.
- 7.3.26.1 During a debate the Chairperson may seek an indication of readiness to vote. If there is an indication of a significant or high number of possible abstentions from voting by reason of indecision or by absence from the meeting, the Chairperson may decide to continue the discussion or defer the motion.
- 7.3.26.2 Unless otherwise stipulated a majority of those delegates voting shall decide the motion, and in the event of an equality of votes the Chairperson shall in addition to a deliberative vote have a casting vote, or refer the motion for further discussion.
- 7.3.26.3 A non-delegate chairperson has neither a deliberative nor a casting vote at a District convention of Synod. Only the Bishop or Assistant Bishop acting as Chairperson has the right to exercise a casting vote.
- 7.3.27 No formal motion may be moved or seconded by anyone who has moved, seconded or spoken to the motion or any amendment. The following formal motions may be moved and seconded and are not debatable:
- 7.3.27.1 A motion may be superseded for that particular convention by the acceptance of either of the following motions:
 'That the debate be adjourned';
 'That Synod proceed to the next business'.
- 7.3.27.2 A motion may be superseded for the time being by the motion 'That the question lie on the table'. There can be a subsequent motion either at the same or a later convention to take the motion from the table.
- 7.3.27.3 The convention may be adjourned by the motion 'That the convention adjourn'. Debate may take place if the motion or amendment states time, date and place of the adjourned convention.
- 7.3.27.4 Debate on a motion or an amendment may be closed by the motion 'That the motion be now put'. If in the opinion of the Chairperson the motion has not been sufficiently discussed, such motion may be refused.
- 7.3.28 *[This clause of the By-laws of the Church deals with the manner in which matters of conscience and doctrine are decided by the Church. The District is not empowered to make such decisions and therefore it is not applicable to the District.]*
- 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 majority of not less than two-thirds [2/3] of those delegates present.
- 7.3.30 Any motions coming before the convention may be referred by the Executive of the District Church Council prior to the sessions, or by the convention during the sessions, for study and for report to the convention.

- 7.3.31 All proceedings shall be entered into a minute book, with the exception of unseconded motions or amendments.
- 7.3.32 The District shall not be bound by any statements or plans contained in a report, but only by specific resolutions on matters arising from such report and carried by the District Synod.

Nominations

- 7.4 The method of nominating the Bishop and thereafter in their order the Assistant Bishops of the District shall be as follows:
 - 7.4.1 A Nominations Committee consisting of three [3] pastors shall be appointed by the Pastors' Conference Program Committee not less than six [6] months prior to the convention of the Synod at which the election for the office of Bishop falls due.
 - 7.4.2 All pastors whose names are recorded on the Roll of Pastors of the Church are eligible for the position of Bishop; only pastors of the District are eligible for the position of Assistant Bishop(s) in the District.
 - 7.4.3 Nomination of Bishop
 - 7.4.3.1 For the nomination of Bishop, the Nominations Committee shall invite all pastors of the District to submit the names of up to three [3] pastors in their order of preference on the form provided to be returned by a date specified by the committee, the date being not less than two [2] months prior to the meeting of the Pastors' Conference held immediately prior to the regular convention of the Synod. The first preference on each ballot paper shall be used to establish a list of nominees who shall then be approached by the committee to ascertain whether they are willing to stand for election. The committee may confidentially make known to any such nominee the number of votes cast in favour of that nominee.
 - 7.4.3.2 If the withdrawal of proposed nominees involves twenty-five [25] per cent or more of the votes cast, the next preferences on the ballot papers shall be used to establish the list of nominees.
 - 7.4.3.3 The list of nominees shall be presented to the Pastors' Conference held immediately prior to the regular convention of the Synod.
 - 7.4.3.4 By preferential ballot, the list of nominees shall be reduced until there remain only those who have received at least twenty-five [25] per cent of the total votes cast, and these shall be declared to be the nominees of the Pastors' Conference for the office of Bishop.
 - 7.4.4 Nomination of First Assistant Bishop and Second Assistant Bishop
 - 7.4.4.1 Any pastors of the District nominated for the office of Bishop, if not elected to such office, shall with their consent automatically be nominees for the office of First Assistant Bishop. Any pastors of the District nominated for the office of First Assistant Bishop, if not elected to such office, shall with their consent automatically be nominees for the office of Second Assistant Bishop.
 - 7.4.4.2 Separate nominations for the offices of First Assistant Bishop and Second Assistant Bishop, if applicable, shall be made by ballot at the Pastors' Conference held immediately prior to the regular convention of the Synod.
 - 7.4.4.3 The first ballot shall be a ballot to establish a list of nominees. Before publication of the results of the ballot the committee conducting the election shall privately ascertain from all nominees

- whether they are willing to stand for election, and may confidentially make known to any such nominee the number of votes cast in favour of that nominee. The committee thereupon, without divulging the number of votes cast, shall publish to the Pastors' Conference the names of those willing to stand for election and the names of those who declined to stand.
- 7.4.4.4 If the withdrawal of proposed nominees involves twenty-five [25] per cent or more of the votes cast by those present and voting, another ballot shall be held to establish the list of nominees. The names of all persons who were not willing to stand for election shall be made known prior to such ballot.
- 7.4.4.5 By preferential ballot the list of nominees shall be reduced until there remain only those who have received at least twenty-five [25] per cent of the total votes cast, and these shall be declared to be the nominees of the Pastors' Conference for the office.

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, the vote being taken by show of hands.
- 7.5.2 The provisions of the preceding Section 7.4.4.1 shall apply to any nominee whose name was added to the ballot paper by action of the convention.
- 7.5.3 The elections shall be conducted by preferential ballot prior to the reading of nominations for all other elective offices in the District.

Section 8. OFFICERS AND ADMINISTRATION

- 8.1 The Bishop shall
- 8.1.1 8.1.1.1 serve as the spiritual leader of the District and shall strive to preserve peace and order;
- 8.1.1.2 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;
- 8.1.1.3 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;
- 8.1.1.4 promote the general well-being of the Church in the District;
- 8.1.1.5 receive, as the chief administrative officer of the District, direction, guidance and counsel from the Church Council; and
- 8.1.1.6 perform such other duties as are prescribed in the By-laws Part B.
- 8.1.2 8.1.2.1 a Bishop-elect shall normally assume office three [3] months after being elected;
- 8.1.2.2 before a Bishop-elect assumes office, the outgoing Bishop shall
- 8.1.2.2.1 continue as Bishop;

- 8.1.2.2.2 use the intervening period to settle the affairs of the administration; and
 - 8.1.2.2.3 assist the Bishop-elect to become acquainted with the duties and responsibilities of the office.
- 8.2 The First Assistant Bishop
 - 8.2.1 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;
 - 8.2.2 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
 - 8.2.3 may be requested by the Bishop to act as the Bishop's deputy whenever and wherever deemed necessary.
- 8.3 The Second Assistant Bishop shall
 - 8.3.1 assume the office of First Assistant Bishop in the event of the latter becoming Bishop, or upon the death or resignation of the First Assistant Bishop;
 - 8.3.2 carry out such duties as may be directed by the Church Council; and
 - 8.3.3 may be requested by the Bishop to act as the Bishop's deputy whenever and wherever deemed necessary.
- 8.4 The Secretary shall
 - 8.4.1 perform those duties generally incumbent upon such an office, and as prescribed in the By-laws Part B; and
 - 8.4.2 inform the Secretary of the Church of any changes in or additions to the Roll of Congregations and the Roll of Pastors.

The Executive Secretary, where appointed, shall perform these duties.
- 8.5 The Treasurer shall
 - 8.5.1 perform those duties generally incumbent upon such an office, and as prescribed in the By-laws Part B;
 - 8.5.2 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
 - 8.5.3 forward annually to the Secretary of the Church a financial statement of all receipts and expenditure of the District.

The Executive Secretary, where appointed, shall perform these duties.
- 8.6 The Church Council shall
 - 8.6.1 ensure that the program and policies of the Church are carried out in the District;
 - 8.6.2 require annual reports to be submitted to it by all 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;
 - 8.6.3 refrain from interfering with the administration of any particular Standing Committee as long as the respective committee is functioning within established policy;
 - 8.6.4 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;
 - 8.6.5 recommend 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;

- 8.6.6 submit to the Synod a proposed budget for the following synodical period;
 - 8.6.7 recommend to the Synod projects involving provision for major capital expenditure on the basis of the recommendations made to it by the Finance Council;
 - 8.6.8 recommend to the Synod a proposed program of projects involving major capital expenditure for the following synodical period or periods;
 - 8.6.9 take action in matters involving expenditure not covered by the budget or provided for by the Synod; and
 - 8.6.10 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.
- 8.7 The Finance Council shall
- 8.7.1 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;
 - 8.7.2 examine the financial position of the District during the year and make any necessary recommendations to the Church Council;
 - 8.7.3 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;
 - 8.7.4 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;
 - 8.7.5 receive financial statements from any committees which administer moneys allotted to them by the District;
 - 8.7.6 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;
 - 8.7.7 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;
 - 8.7.8 manage such funds as are assigned to it and exercise general oversight over other funds and finances of the District;
 - 8.7.9 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.
- 8.8 Executive Offices of Committees
- 8.8.1 Any full-time executive office for a committee of the District shall be established by the Synod of the District. Recommendations regarding the establishment of any such office may be made by the relevant committee and shall be made through the Church Council.

- 8.8.2 The term 'executive officer' in the By-laws shall mean the person filling any full-time executive office. The title given to any executive officer shall be determined by the Church Council.
- 8.8.3 An executive officer shall be appointed for[...] years, unless otherwise determined by the Synod, and shall be eligible for re-appointment.
- 8.8.4 The duties of the executive officer shall be defined by the relevant committee and be approved by the Church Council.
- 8.8.5 An executive officer shall work within the policies and under the direction of the relevant committee.

Section 9. ZONES

- 9.1 The purposes of a Zone Conference shall be to
 - 9.1.1 strengthen the ties of fellowship between the congregations;
 - 9.1.2 stimulate interest in spiritual matters by joint study;
 - 9.1.3 receive information regarding the program and work of the Church; and
 - 9.1.4 discuss important matters of Zone, District or Church interest.
- 9.2 The functions of the Zone Counsellor shall be to
 - 9.2.1 exercise general oversight over the spiritual well-being of the pastors and congregations in the Zone;
 - 9.2.2 promote the program of the Church in the Zone; and
 - 9.2.3 advise the Bishop of the District regarding the progress of the work of the Church in the Zone.

Section 10. DISCIPLINE, ADJUDICATION AND APPEALS

- 10.1 The By-laws of the Church regarding discipline, adjudication and appeals shall be applicable within the District.