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**LCA/NZ CONSTITUTION REVIEW (PHASE 1)**

**CONSTITUTION REVIEW DISCUSSION STARTER**

*This is a ‘discussion starter’ only; it has no other status. This document exists solely to assist the thinking of church members who wish to participate in the Constitution Review Survey.*

**What is the LCA/NZ Constitutional Review and why are we doing it?**

For over 50 years the existing constitution has guided the Lutheran Church of Australia & New Zealand and served the church well. We take this opportunity to remember and give thanks to all those church members involved in the initial development of, and subsequent stewardship of, our Constitution.

However the Constitution is no longer ‘fit for purpose’. This is because of several reasons. We have made many ad hoc amendments to it over the last half century and the Constitution is now difficult to comprehend in places and contradictory in others – and it no longer gives us clear guidance in all matters. It also needs to be reviewed to ensure the church is compliant with legislation that it is required to comply with. And last but not least, there have been many changes both within our church and within the societies in which we minister but such practices are not reflected in our existing Constitution.

We are conducting this review of our Constitution in two phases. Phase One is this phase and it is where we will be identifying the key Principles upon which to rewrite our Constitution. Phase Two will be the rewriting of the Constitution, based on and subject to the approval of the Principles at the 2021 General Synod.

**Purpose of this Paper:** To further prompt discussion within the LCA/NZ in order to identify all the key constitutional issues and concerns that will be considered within the Phase 1 review.

**This paper is in three parts**: Part A is a snapshot of the world the church ministers within. Part B lists the current constitutional issues and concerns that have already been identified. Please reflect on Part B and let us know of any key issues/concerns that have been left out. Part C of this paper lists the five substantive questions you will be asked if you complete the electronic survey. These questions aim to ensure the Review has the opportunity to hear about the constitutional issues that are of most concern to you.

**Feedback Process:** After reading this document, please complete the online survey that can be accessed [here](https://www.surveymonkey.com/r/6HWXZ5Y) or via the Review website [www.lca.org.au/constitution-review](http://www.lca.org.au/constitution-review)

You can also contribute to this Review by written email submission – just email to ConstitutionReview@lca.org.au

If you have a concern, you can contact a member on the voluntary Constitution Review Group (see the webpage for details) or Peter Schirmer, Executive Officer of the Church, at peter.schirmer@lca.org.au

**Part A: A snapshot of the changing world – for your reflection**

**The Unchanging Call**

*The Call of Christ*: Christ continues to call the world, including us, to mission and ministry in his name.

*The Separateness (sin) in the World*: Sin remains a key feature of our world. We often act in a way that is separate to God. We separate ourselves more than we have to from loved ones, family, friends, the communities we inhabit and those who are truly in need of our help and assistance.

It is envisaged that the LCA/NZ Constitution will continue to be based on, and contain clauses referencing, our unalterable beliefs.

**The Changing World**

*Our Countries in 1966 – a snapshot*:

It was a different era but times were still ‘a changing’.

Remember the original Victa lawn mowers, Hills hoists, black and white TVs and roller doors with no remote controls. And in Australia there were no polaroid cameras (until 1968), no Sony Walkman portable cassette players or CDs (until1980), no mobile phones, no personal computers, no internet. But attendance at church on Sunday was commonplace among the community and the average weekly wage for men was $57 in Australia (with minimum wages for women set around 30% lower than for men).

Significant changes occurring however included:

* The southern hemisphere’s first multilevel indoor shopping centre had just opened a year before at Roselands in Sydney – a new way of shopping.
* New Zealand/Australia Free Trade Agreement came into force.
* Television coverage in New Zealand is extended to central Northland and Taranaki.
* The state monopoly on commercial radio broadcasting in New Zealand was challenged by a pirate radio station from a ship.
* Decimalisation of the Australian currency occurs.
* NSW repeals the Sunday Observance Act allowing venues to open (and some to sell alcohol) on Sundays.
* Legislative end of the White Australia Policy (via a new Migration Act).
* 200 Aboriginal workers on Wave Hill cattle station go on strike over inadequate wages.
* The first Australian National Service conscripts fly out bound for Vietnam.
* New Zealand is visited by both the US Vice President & the US President in a bid to shore up support for the war in Vietnam.
* Japan replaces Great Britain as Australia’s largest trading partner.
* The agreement to establish the American base ‘Pine Gap’ in the Northern Territory is negotiated.
* Through union, the Lutheran Church of Australia and its Constitution came into existence.

*The LCA/NZ in 1967 – a snapshot*:

Congregations – 580 (NZ: 21; NSW/ACT: 67; Qld: 166; SA/NT: 223; Vic/Tas: 89; WA: 14).

Preaching Places – 173 (NZ: 17; NSW/ACT: 31; Qld: 33; SA/NT: 54; Vic/Tas: 32; WA: 6).

Baptised members – 111, 216.

*The LCA/NZ in 2018 – a snapshot*:

Congregations – 451 (NZ: 13; NSW/ACT: 53; Qld: 113; SA/NT: 182; Vic/Tas: 74; WA: 16).

Worship Centres – 82 (NZ: 1; NSW/ACT: 11; Qld: 29; SA/NT: 19; Vic/Tas: 20; WA: 2).

Baptised members – over 36,612 and probably closer to 52,000.

Worshipping – over 18,738 and probably closer 26,000.

*Australia & New Zealand in 2020 – a snapshot*:

*Politically*: Whilst our two political systems remain stable there seems to be disillusionment of voters with politicians and traditional political parties. Parliaments appear to be becoming less stable places with a proliferation of minor parties and more minority governments occurring. This may in part reflect growing divergence of opinions and attitudes, to the point of a trend towards tribalism. The churches influence in political discourse is diminishing as religious commitment declines, as does respect for the institution. Many people within political systems are honourable and still work very hard for the communities they represent.

*Economically*: Agriculture and tourism (in both New Zealand & Australia) and mining (in Australia) remain significant industries but globalisation and international markets increasingly influence the state of our economies. The world economy is currently ‘flat’ and some markets are volatile. The world of work has changed with a significant increase in casual and part-time jobs. Young people are typically finding it hard to purchase and pay off a home particularly in the cities of our societies. The gap between the ‘rich’ and the ‘poor’ seems to be widening. Some people see churches generally as being wealthy and having privileges that other organisations do not. The changing nature of society and work patterns has implications for volunteerism, which has been a key strength of the churches. To date, our two societies remain insulated from the economic crises occurring in other countries and our standard of living remains high for those persons not experiencing economic or social hardship and the struggle to just survive.

*Socially*: Population wise, our two countries are growing older with the ageing of the ‘baby boomers’ and medical advances. Socially there have been many changes over the last 50 years in the way people live, work, think and communicate. Despite technology, the services gap between the ‘city’ and the ‘bush’ seems to be widening. Genders other than just male & female are increasingly being recognised. Young people are remaining in the parental home for longer. People may be becoming de-conditioned and less empathic to the pain and suffering of others through decades of nightly exposure to violence on TV and from violent electronic ‘games’. We now typically live in secular, mainly non-Christian societies where the established Christian church may be viewed by the general public as outdated, irrelevant or even a pedophile-hiding misogynist bureaucracy. Words such as Christian, church, missionaries, priests and bishops have negative connotations to a number of people. How people connect to each other is evolving, with a greater emphasis on social media and non-traditional forms of gathering and media. This has implications for the church and how it engages with its surrounding community. Many wonderful people continue to populate our churches and/or charitable agencies working tirelessly for others – giving with their time, talent and money.

*Culturally*: Throw-away consumerism seems rampant. Our societies also appear to value competitiveness, youthfulness & the latest trend/fad. Culturally we are nowadays enticed by advertisers to see life being ‘all about me’. We (as societies) may value children but we don’t seem to value the elderly. The right to terminate one’s life under certain circumstances has commenced in some jurisdictions. A ‘fair go for all’ is still talked about but action doesn’t match rhetoric. Sexism and racism remain in reality even if policies forbid these behaviours in principle. Sexual and physical abuse continues to occur in our communities. Kiwis & Aussies typically mistrust bureaucracies and many see the established church as a bureaucracy. Our societies are becoming increasingly multicultural and this brings with it much cultural learning and richness but also varying beliefs and attitudes.

*Technologically*: Our lives are becoming technology based. Technology is increasingly pervasive. Many people now have a super-computer (i.e. a smart phone) in their bag or pocket. Not being able to access the technological systems in our society is a barrier to social and economic participation and good health outcomes. Advances in technology are pushing the boundaries of what it means to be human whether at conception or by using technology to access senses not typically experienced by ordinary humans (e.g. being wired to ‘see’ by ‘sounds’). Replacement human tissue and some organs are being ‘3D printed’. Some genetic manipulation, animal cloning and other experiments are occurring. Some advances in technology are of course making life much easier and in some cases, saving lives.

*Environmentally*: Environmental degradation (through overpopulation, throw-away consumerism and pollution), climate change and species extinction are environmental concerns for many people and concerns are increasing. These are also key concerns of many young people and indigenous peoples. Increasingly people appear to want to act in ways that will be good for the environment.

*Legal & Regulatory*: Some church agencies continue to receive tax and other exemptions for the great services they provide but changes may be occurring in these areas. Fifty years ago there was not a ‘governance’ industry per se but there is now a recognised governance profession with a proliferation of published governance principles and standards. Today churches and their service agencies are expected to comply with an increasing regime of legal, governance and compliance requirements. We also now live in a more litigious society. ‘Religious freedom’ is currently a topic of debate.

*Industry*: Mining and agriculture remain big industries. Technological industries are growing. Key future domestic employment growth industries are tourism, healthcare and aged care.

*Spiritually*: Most people seem to still yearn for peace, hope and inner well-being as much as ever but most do not join or attend a traditional church. The lives of many people have been touched positively by our church and lives are being transformed by the Holy Spirit every day.

*Other Churches*: Other established churches appear to be experiencing similar challenges and opportunities as our church.

**Impact of these changes on our Church – the beginnings of an analysis:**

*‘Challenges’ for LCA/NZ:*

* A perception by some in our communities that churches represent the ‘bad’ past rather than a critical part of the ‘good’ future. There may be a developing anti-church movement in society.
* A trend of declining church membership.
* A need to ensure we comply with modern legislative, regulatory and governance requirements.
* We may need to learn to be even more efficient at how we do things.

*‘Opportunities’ LCA/NZ could focus on:*

* The world still very much needs the light and hope of Christ’s gospel. There are very many people and communities still in need - pain and heartache exist in almost all communities.
* Increasing church membership from new migrant families.
* The zeal and energy of our young people.
* We have a positive reputation in a number of mission and ministry areas including our advocacy and support for the poor, the vulnerable and those experiencing trauma, our community services, our aged care services, our support and education of young people, our support and care for those experiencing disability, and our overseas aid programs.
* We can partner with the loving and caring people within society even if they are not Christian.
* Our church consists of committed Christians who are not afraid of hard work or of making changes in the way our church operates when required.

***Initial Learnings from the above brief analysis*:**

The world in which our church strives to be a beacon of hope, life, renewal and care is not the same world as when our existing LCA/NZ constitution was written in 1966. The world today is in a number of ways significantly different. Nowadays the great work the church does is largely unknown by the general public – a number of people in our two countries may not even know of the Lutheran Church. We need to continue to communicate our message of good news – but perhaps differently. We need to ensure we maintain an ethical approach to all issues. In today’s world we need to be ‘squeaky clean’ when it comes to human relationships, service provision, legal, compliance and governance matters.

The good news is the world continues to need our church more than ever. Our vision is to see God’s love in Christ coming to life in people everywhere through a Lutheran Church that joyfully receives, lives and shares the gospel (cf 1 John 4:9-12).

We give thanks to God for the commitment of those who came before us. We acknowledge God’s gifts of people, resources and unity are a blessing for us still today. We pray for the wisdom, courage and commitment as, together, members of the church guide the church into an even brighter future where God’s love in Christ comes to life in people everywhere.

**Part B: Current Constitutional-related issues and concerns already identified – for your consideration**
This Part of the paper lists the current constitution-related issues and concerns that have already been identified. These issues and concerns include:

1. **Ecclesial and theological (including the LCA/NZ’s self-understanding of Church and Ministry)**
	1. *Modern, inclusive descriptors*: How do we succinctly describe in the new Constitution, in language that will last (say) another next 50 years:
		1. Who we are – how we describe ourselves? - what it means to be Lutheran in the 21st Century?
		2. What Australian and New Zealand Lutherans believe?
		3. Why WE come together as Church?
		4. What is the Purpose of OUR Church?
		5. The key teachings of the Church and its practices (including those outlined in the Theses of Agreement and Confession)?
	2. *Future Name of our Church*: Our church is aspirational and currently spans two countries. What should the name of our church be for the future?
	3. *Key definitions needed in the new constitution*?
		1. Belief related: As an example, a reader of today’s Constitution may not be able to ascertain what is a confessional, theological or doctrinal matter – all these words are used in the constitution but not defined leading to different interpretations or being seen as inter-changeable.
		2. Structural Terms *(e*.g. Synod, District etc – these are not currently clearly defined)
	4. *The changing practices and expressions of the Church*: Changes have occurred in church planting, more fluid membership definitions and changes in approaches to faith formation (e.g. less emphasis on confirmation) over the last 50 years.
		1. What impact should these changes have on any future Constitution?
		2. What should the qualifications be for persons being Members of the LCA/NZ? (e.g. being Baptised? Confirmed? Regularly worshipping? actively communing?)
		3. Is there a difference between a Member of a congregation and a Voting Member of a congregation - if so, what are the differences?
		4. How should we describe a ‘congregation’ going forward?
		5. What should the basic requirements be for a congregation to be recognised as a member of the LCA/NZ into the future?
		6. The matter of Ecclesial Discipline. What changes, if any, are needed here? (It is noted there is already a review team looking at this matter).
2. **Relationship issues**
	1. *Internal relationship issues*: Almost all parts of our Church report experiencing relationship issues/concerns with some other part of the LCA/NZ from time to time. (that is, relationship issues can, for example, be experienced by Pastors, Bishops, Congregations, District Synods, District Offices, District level agencies (e.g. Schools), General Synod, Church-wide bodies, and other agencies identifying themselves as Lutheran (e.g. LLL, Aged Care Services etc)). Are there any systemic issues here that a constitutional update should address?
	2. *External relationship issues*: Some parts of LCA/NZ also report they have experienced certain issues with communities, agencies and/or institutions that are OUTSIDE of LCA/NZ? Are there any systemic issues here that a constitutional update should address?
3. **Governance and accountability (including matters such as Authority & Powers)**
	1. *Changing Governance standards*: In recent years, authorities have required a stronger emphasis on governance principles in institutional constitutions and the development of policies and practices that demonstrate consistent and adequate governance over the management and operations of an entity. Our new Constitution will have to be consistent with these tougher secular requirements.
		1. How can we integrate any secular ‘top down’ governance control and compliance requirements with what the Bible and our Lutheran traditions & key practices may say about how we should ideally relate to each other within our Church (including authority and discipline)?
		2. In a modern governance sense, who should be the ‘Members’ of LCA/NZ in the future – Individuals? Congregations? Parishes? Districts?
		3. What are the key matters that congregations should have governance and/or management accountability for?  (e.g. Ministry and Mission?; Employment?; Property?; Finance?; Other?)
		4. What governance level roles & responsibilities should Districts have going into the future?
		5. How much secular governance responsibilities should our Pastors and Bishops have (in addition to their other duties)?
		6. How should the mission and ministries of our schools, early education centres, community, disability and aged care services, ALWS, etc fit within the governance structure of a 21st century Lutheran church?
	2. *Changing Governance practices*:
		1. How do we, in a synodical church, integrate modern good governance practices? For example, in 1966 any management or operational ‘policy’ of the Church was documented by means of By-Laws. By-Laws are generally not used much in modern institutional constitutions in relation to day to day governance, management and operational matters - rather ‘policies’ or ‘regulations’ are developed instead. Given the time consuming regular changes to the By-laws (for example, a number of changes were adopted at the Convention of General Synod in 2018), is now an appropriate time to consider the application of this modern governance practice?
		2. What other good governance practices do we need to consider in this constitutional review? (i.e. what else has to change in how we govern within our church)?
4. **Operational issues**
	1. *Impact of Operational matters*: There are potentially a number of operational issues that could impact on the design of a new LCA/NZ Constitution including:
* Strategic direction and priorities
* Finances
* Employment, training and professional development
* Operational policies and procedures
* Quality
* Risk
* Compliance
* Information and communications technology and
* Public relations.
	+ 1. Does the current constitution support and enable the church to have capacity to address these increasingly important operational issues or, if not, what needs to change in the Constitution?
		2. What other operational matters, if any, will need to be considered in the context of developing a new LCA/NZ constitution?
1. **Legal and compliance (policies, legislation, regulation)**
	1. *Best Legal Framework*: What legal framework/s will serve the church best going forward given our church operates across two sovereign nations and has multiple ‘child’ entities?
		1. There are both legal risks and benefits of LCA/NZ’s current single constitution model. What other suitable constitutional options are there for going forward? (for example other churches have made a distinction between their ecclesiastical character and practice (expressed in a constitution based on an unincorporated association of members) and their organisational functions (reflected in a constitution that serves to meet legal requirements and in a suitable legal entity to carry out governance, administrative and operational tasks). Which legal framework will be best for our future?
		2. How will the range of other existing legal entities within the LCA/NZ integrate with any new LCA/NZ constitutional model?
		3. How will the range of existing non-legally independent entities within the LCA/NZ integrate with any new LCA/NZ constitutional model?
	2. *Meeting Legal Compliance requirements*:
		1. Our Constitution may in places be out of date in regard to changes in legislation and regulation. What specific updating is required to ensure ongoing compliance with these legislative and regulatory changes?
		2. Further policy development may be needed within the LCA/NZ to ensure the Church’s compliance with any legislation governments introduce relating to the Institutional Sexual Abuse of Children. What concerns you the most here? Are there any new changes that need to be integrated into the various constitutions within our church?
2. **Other Issues & Concerns**
	1. *Need for clarity & consistency throughout Constitution*: The current LCA/NZ constitution contains contradictions and lack of clarity in regard to key governance, management, operational and practice matters. What are the most important matters in the existing LCA/NZ Constitution that require clarification?

In conclusion, which of the above listed issues concern you the most and are there any other issues or concerns that should be considered in this LCA/NZ constitutional review?

**Part C: Survey Questions you will be asked (if you complete the survey):**

Other than some introductory and demographic questions, you will find the five substantive survey questions are:

1. What are the top 3 issues you (or the body you are representing) are experiencing now that could be improved by a change to the Constitution?
2. What are the top 3 issues the whole of the LCA/NZ is facing which need to be considered in the context of the review of the Constitution?
3. What are the best 3 aspects of the LCA/NZ's current constitutional arrangements?
4. What are the worst 3 aspects of the LCA/NZ's current constitutional arrangements?
5. What key changes (if any) need to be made to the existing LCA Constitution?

You can complete this important survey by clicking [here](https://www.surveymonkey.com/r/6HWXZ5Y) or by going onto the Review webpage [www.lca.org.au/constitution-review](http://www.lca.org.au/constitution-review)

**Please complete the survey ASAP because it closes on 30 April 2020.**

Thank you for taking the time to read this Discussion Starter document and for your willingness to consider what constitutional changes you think need to be made to the churchwide constitution. On behalf of the Review Team, I look forward to hearing your views.

If you have any enquiries about this Phase 1 Review that its website does not answer, you may contact Peter Schirmer, Executive Officer of the Church, at peter.schirmer@lca.org.au

Les Stahl

Review Facilitator

(on behalf of the Review Team)