

## BY-LAWS PART A OF THE DISTRICTS

### Section IV. MEMBERSHIP

#### Reception into Membership

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
  - (a) accepts and holds the Confession of the Church;
  - (b) accepts the Constitution and By-laws of the Church and of the District;
  - (c) undertakes to participate in the program and work of the Church and of the District;
  - (d) 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;
  - (e) 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 IV. 1. of the Constitution of the Church.
  
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

3. A congregation may withdraw from membership in the Church by adopting the following procedure:
  - (1) The resolution of a congregation indicating the desire to withdraw must be adopted at a legally constituted meeting of the congregation by a two-thirds majority of all the voting members of the Congregation, and shall be submitted to the Bishop of the District within fourteen [14] days of adoption.
  - (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.
  - (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) The final motion to withdraw shall require a majority of two-thirds 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.
  - (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. 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 IV. 1. of the Constitution.

## **Section V. THE MINISTRY**

### **General**

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

### **Pastors' Conference**

2. The duties of the Pastors' Conference shall be to
  - (a) give guidance in matters of doctrine and confession;
  - (b) foster theological studies by all members of the Ministry;
  - (c) stimulate and give guidance to the members of the Ministry in the work of their calling;
  - (d) foster fellowship between the members of the Ministry;
  - (e) consider matters relating to the well-being of the Church and of the District in particular; and
  - (f) make nominations for the position of Bishop and Assistant Bishop(s).

## **Section VII. THE SYNOD**

1. Lay delegates shall be voting members of the congregation.
2. The following shall be entitled to submit matters for discussion at the convention of the Synod of the District:
  - (a) any congregation;
  - (b) any parish;
  - (c) any Standing Committee, Council, and Commission of the District, provided the matter is within its terms of reference;
  - (d) the Pastors' Conference;
  - (e) the Church Council, or its Executive; or
  - (f) the General Church Council of the Church, or its Executive.

### **Procedure In Transacting Business**

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.
  - (2) The Chairperson shall ensure that a quorum is present at all times.
  - (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.

- (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.
- (5) All proposals on the Agenda shall be placed before the convention for discussion and decision, unless withdrawn.
- (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) 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.
- (8) At the request of the mover and seconder, and with the consent of the convention, a motion or an amendment may be withdrawn.
- (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.
- (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.
- (11) Every amendment shall be relevant to the motion to which it refers.
- (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.
- (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.
- (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.
- (15) Seconded amendments are new questions and persons who have spoken to the motion shall be permitted to speak again.
- (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.
- (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.

- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (26)
  - (1) 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. Where the number of those abstaining is considered to be too high, further discussion may take place and a further vote may be taken.
  - (2) 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.
- (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:
  - (a) 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’.
- (b) 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.
  - (c) 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.
  - (d) 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.
- (28) [This clause of the By-laws of the Church is not applicable to the District.]
- (29) Any of the By-laws in Section VII. 3. may, if the need arises, be suspended in respect to any business of the convention by a two-thirds majority of those delegates present.
- (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.
- (31) All proceedings shall be entered into a minute book, with the exception of unseconded motions or amendments.
- (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**

4. The method of nominating the Bishop and thereafter in their order the Assistant Bishops of the District shall be as follows:
- (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.
  - (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.
  - (3) Nomination of Bishop
    - (a) 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.
    - (b) 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.

- (c) The list of nominees shall be presented to the Pastors' Conference held immediately prior to the regular convention of the Synod.
  - (d) 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.
- (4) Nomination of First Assistant Bishop and Second Assistant Bishop
- (a) 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.
  - (b) 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.
  - (c) 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.
  - (d) 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.
  - (e) 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

5. The method of electing the Bishop and thereafter in their order the Assistant Bishops of the District shall be as follows:
- (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.
  - (2) The provisions of the preceding Section VII. 4. (4) (a) shall apply to any nominee whose name was added to the ballot paper by action of the convention.
  - (3) The elections shall be conducted by preferential ballot prior to the reading of nominations for all other elective offices in the District.

## Section VIII. OFFICERS AND ADMINISTRATION

1. The Bishop shall
- (1) (a) serve as the spiritual leader of the District and shall strive to preserve peace and order;

- (b) 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;
  - (c) 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;
  - (d) promote the general well-being of the Church in the District;
  - (e) receive, as the chief administrative officer of the District, direction, guidance and counsel from the Church Council; and
  - (f) perform such other duties as are prescribed in the By-laws Part B.
- (2) (a) a Bishop-elect shall normally assume office three [3] months after being elected;
- (b) before a Bishop-elect assumes office, the outgoing Bishop shall
- (i) continue as Bishop;
  - (ii) use the intervening period to settle the affairs of the administration; and
  - (iii) assist the Bishop-elect to become acquainted with the duties and responsibilities of the office.

2. The First Assistant Bishop

- (a) 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;
- (b) 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
- (c) may be requested by the Bishop to act as the Bishop's deputy whenever and wherever deemed necessary.

3. The Second Assistant Bishop shall

- (a) 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;
- (b) carry out such duties as may be directed by the Church Council; and
- (c) may be requested by the Bishop to act as the Bishop's deputy whenever and wherever deemed necessary.

4. The Secretary shall

- (a) perform those duties generally incumbent upon such an office, and as prescribed in the By-laws Part B; and
- (b) 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.

5. The Treasurer shall

- (a) perform those duties generally incumbent upon such an office, and as prescribed in the By-laws Part B;
- (b) forward to the Secretary of the Church at such times as shall be determined by the General Church Council, all moneys for the Treasury of the Church; and
- (c) 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.

6. The Church Council shall

- (a) ensure that the program and policies of the Church are carried out in the District;

- (b) 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;
  - (c) refrain from interfering with the administration of any particular Standing Committee as long as the respective committee is functioning within established policy;
  - (d) 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;
  - (e) 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;
  - (f) submit to the Synod a proposed budget for the following synodical period;
  - (g) recommend to the Synod projects involving provision for major capital expenditure on the basis of the recommendations made to it by the Finance Council;
  - (h) recommend to the Synod a proposed program of projects involving major capital expenditure for the following synodical period or periods;
  - (i) take action in matters involving expenditure not covered by the budget or provided for by the Synod; and
  - (j) 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.
7. The Finance Council shall
- (a) 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;
  - (b) examine the financial position of the District during the year and make any necessary recommendations to the Church Council;
  - (c) 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;
  - (d) 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;
  - (e) receive financial statements from any committees which administer moneys allotted to them by the District;
  - (f) 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;
  - (g) 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;
  - (h) manage such funds as are assigned to it and exercise general oversight over other funds and finances of the District;
  - (i) 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. Executive Offices of Committees

- (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.
- (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.
- (3) An executive officer shall be appointed for .....[...] years, unless otherwise determined by the Synod, and shall be eligible for re-appointment.
- (4) The duties of the executive officer shall be defined by the relevant committee and be approved by the Church Council.
- (5) An executive officer shall work within the policies and under the direction of the relevant committee.

**Section IX. ZONES**

1. The purposes of a Zone Conference shall be to
  - (a) strengthen the ties of fellowship between the congregations;
  - (b) stimulate interest in spiritual matters by joint study;
  - (c) receive information regarding the program and work of the Church; and
  - (d) discuss important matters of Zone, District or Church interest.
2. The functions of the Zone Counsellor shall be to
  - (a) exercise general oversight over the spiritual well-being of the pastors and congregations in the Zone;
  - (b) promote the program of the Church in the Zone; and
  - (c) advise the Bishop of the District regarding the progress of the work of the Church in the Zone.

**Section X. DISCIPLINE, ADJUDICATION AND APPEALS**

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