

Complaints Handling Procedure

SC04-3 Church Tribunal System Terms of Reference

In accordance with Article 10 of the Lutheran Church of Australia (the church) Constitution, Complaints Handling Policy and Complaints Handling Procedure:

1. The tribunal system addresses appeals regarding the outcomes of formal complaints that are submitted to Professional Standards.
2. The General Church Board will appoint a Tribunal Administrator who is responsible for reviewing any appeal, regarding the outcome of a complaint. The Tribunal Administrator must be an active member of the church.
3. If an appeal against the outcome of a complaint is submitted, the Tribunal Administrator considers whether there are sufficient grounds to refer the claim to a tribunal.
4. There will be sufficient grounds to refer an appeal to a tribunal, when the Tribunal Administrator determines there is prima facie evidence to show:
 - 4.1 In the course of handling the applicable complaint, the church has denied a party natural justice; or
 - 4.2 A disciplinary action, which is part of the outcome, is either excessive or inadequate
5. If there are sufficient grounds for doing so, the Tribunal Administrator facilitates a tribunal hearing.
6. The Tribunal Administrator forms a tribunal, appointing persons from a tribunal panel. All such persons must be active members of the church and must have been appointed by the General Church Board. One person on the tribunal will be the presiding member.
7. Before the tribunal hearing commences, the Tribunal Administrator or the presiding member may decide to hold a directions hearing to resolve any preliminary issues.
8. The tribunal hearing is not open to the public. However, the tribunal may grant leave to any person to attend the hearing.
9. The tribunal will not be bound by laws of evidence, but will prioritise fairness and natural justice. Regardless of which party appealed to the Tribunal Administrator, the tribunal will be equitable in providing opportunities for the complainant and the respondent to make submissions at the hearing.
10. The tribunal will prepare findings regarding the appeal and make recommendations to the applicable bishop, in accordance with the Complaints Handling Procedure.