



**LUTHERAN CHURCH**

OF AUSTRALIA

*where love comes to life*

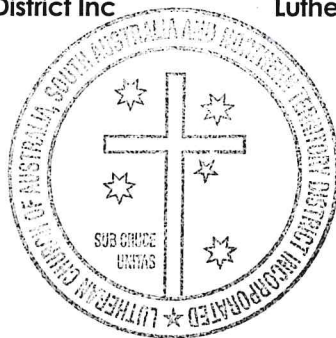
**Lutheran Church of Australia,  
South Australia and Northern Territory District  
Incorporated**

# **Constitution and By-Laws**

As at 26 August 2021

**Bishop**  
Lutheran Church of Australia, SA-NT District Inc

**District Administrator**  
Lutheran Church of Australia, SA-NT District Inc



CONSTITUTION OF THE DISTRICT .....	3
INTERPRETATION .....	3
ARTICLE I. NAME .....	4
ARTICLE II. CONFESSION .....	4
ARTICLE III. OBJECTS .....	4
ARTICLE IV. MEMBERSHIP .....	5
ARTICLE V. THE MINISTRY .....	5
ARTICLE VI. AUTHORITY AND POWERS .....	5
ARTICLE VII. THE SYNOD .....	6
ARTICLE VIII. OFFICERS AND ADMINISTRATION .....	7
ARTICLE IX. ZONES .....	8
ARTICLE X. DISCIPLINE, ADJUDICATION AND APPEALS .....	8
ARTICLE XI. – DISSOLUTION .....	9
ARTICLE XII. BY-LAWS .....	10
ARTICLE XIII. ALTERATIONS TO THE CONSTITUTION .....	10
BY-LAWS PART A OF THE DISTRICT .....	11
SECTION IV. MEMBERSHIP .....	11
Reception into Membership .....	11
Withdrawal from Membership .....	11
Preaching Centres .....	11
SECTION V. THE MINISTRY .....	12
General .....	12
Pastors Conference .....	12
SECTION VII. THE SYNOD .....	12
Nominations .....	12
Elections .....	13
SECTION VIII. OFFICERS AND ADMINISTRATION .....	13
SECTION IX. ZONES .....	15
SECTION X. DISCIPLINE, ADJUDICATION, AND APPEAL .....	15
SECTION XI. – DISTRICT SUPERVISED ORGANISATIONS .....	15
BY-LAWS PART B .....	16
ARTICLE VII—THE SYNOD .....	16
A. The Convening of Synod .....	16
B. Representation at Conventions .....	16
C. Procedure in Transacting Business .....	17
D. Nominations and Elections .....	19
The Nominations Committee .....	19
The Electoral Committee .....	20
E. Method of Voting Between Conventions .....	20
ARTICLE VIII—OFFICERS AND ADMINISTRATION .....	21
A. General Rules .....	21
B. The Bishop .....	22
C. The District Administrator .....	22
D. The Church Council .....	23
E. Financial Administration .....	23
F. The Auditor .....	24
G. Standing Committees .....	24
H. General Rules Governing Standing Committees .....	24
I. Duties Of Standing Committees .....	25
CONSTITUTIONS COMMITTEE .....	25
NOMINATIONS COMMITTEE .....	25
ELECTORAL COMMITTEE .....	25
LUTHERAN AGED CARE COMMITTEE .....	26
ABORIGINAL MINISTRY SOUTH AUSTRALIA .....	26
ARTICLE IX—THE ZONES .....	27
ARTICLE X – DISTRICT SUPERVISED ORGANISATIONS .....	27
B. (1) TERMS OF REFERENCE FOR FULL-TIME EXECUTIVE OFFICERS OF THE DISTRICT .....	28

**CONSTITUTION OF  
THE LUTHERAN CHURCH OF AUSTRALIA,  
SOUTH AUSTRALIA AND NORTHERN TERRITORY  
DISTRICT INCORPORATED**

## **CONSTITUTION OF THE DISTRICT**

*Originally adopted 1966*

*Note: Article IX Clause 2 of the Constitution of the Lutheran Church of Australia Incorporated, 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: By-law XI.3 of the Lutheran Church of Australia Incorporated, states:*

The Constitution and By-laws Part A of Districts laid down by the Church in pursuance of Article IX Clause 2 of the Constitution of the Church are By-laws of the Church.

### **INTERPRETATION**

In this Constitution and the By-laws made thereunder, unless the context or subject matter otherwise requires:

- (a) 'the Church' means the Lutheran Church of Australia Incorporated;
- (b) '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;
- (c) '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;
- (d) '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;
- (e) 'lay member' means any member of a congregation of the District other than a pastor;
- (f) 'parish' means a congregation or a group of congregations forming an entity which is served by one or more pastors;
- (g) 'pastor' or 'member of the Ministry' means any person ordained to the Holy Ministry according to the rites and practices of the Evangelical Lutheran Church who has been received into the Ministry according to Article V Clause 1;
- (h) '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;
- (i) words importing the singular number shall be deemed to include the plural number;
- (j) 'the 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.

## **ARTICLE I. NAME**

The name of the District is LUTHERAN CHURCH OF AUSTRALIA, SOUTH AUSTRALIA AND NORTHERN TERRITORY DISTRICT INCORPORATED, hereinafter called 'the District'.

## **ARTICLE II. CONFESSION**

The District accepts the Confession of the Lutheran Church of Australia Incorporated, viz.:

- (a) 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.
- (b) 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 III. OBJECTS**

The District accepts the Objects of the Church and shall promote them within its assigned area. These Objects are to:

- (a) 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 Article II;
- (b) unite in one body Evangelical Lutheran congregations in Australia and New Zealand for the more effective work of the Church;
- (c) promote and maintain true Christian unity in the bond of peace;
- (d) ensure that preaching, teaching, and practice in the Church are in conformity with the Confession of the Church;
- (e) 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;
- (f) encourage every congregation to carry out its mission to its local community;
- (g) establish, develop and support new congregations where it is not possible for individual congregations to do so;
- (h) support and cooperate with selected churches in other lands as they seek to carry out their mission;
- (i) dialogue with other Christian church bodies;
- (j) establish and maintain schools and other institutions and to foster all other means whereby the members of the congregations receive Christian education;
- (k) cultivate uniformity in worship, ecclesiastical practice and customs in accord with the principles laid down in the Formula of Concord, Article X;
- (l) publish, procure and distribute literature compatible with the Confession and principles of the Church;
- (m) 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;
- (n) maintain and promote a culture of care in all areas of the Church and its activities, so that all people, are protected against any form of spiritual, emotional, physical and sexual abuse by ensuring that;
  - (i) appropriate governance and leadership structures are in place;
  - (ii) policies and procedures are appropriately prescribed;
  - (iii) a culture of safety and care for children and all people is actively encouraged and practiced; and

- (iv) 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:

## **ARTICLE IV. MEMBERSHIP**

1. The membership of the District shall include congregations of baptised members. Such congregations shall:
  - (a) accept and hold the Confession of the Church;
  - (b) accept the Constitution and By-Laws of the Church and the District;
  - (c) submit a Constitution and By-Laws acceptable to the Church and the District and 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 VII. 2. (a).
2. The District shall consist of:
  - (a) the congregations which are members of the Church in the area of the District; and
  - (b) 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.
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. 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 V. THE MINISTRY**

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.
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 VI. AUTHORITY AND POWERS**

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.
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.
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.

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.
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. The jurisdiction of the District over the congregation shall, subject to this Constitution and the By-laws, include the following rights:
  - (a) to ensure faithful adherence to the Confession of the Church;
  - (b) to apply discipline when departure from the doctrine of the Church is evident;
  - (c) to enlist wholehearted cooperation in the program approved by the Church or the District in the fulfilment of its Objects;
  - (d) to take action when persistent disregard of the resolutions of the Church or the District is evident;
  - (e) 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 VII. THE SYNOD**

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.
2. The Synod shall consist of the following:
  - (a) the lay delegates of the congregations who are elected by their respective congregations according to the representation prescribed by the By-laws Part B;
  - (b) the members of the Ministry of the District;
  - (c) the members of the Church Council;
  - (d) the District Administrator;
  - (e) the Director for Mission, the Director of Children and Families; Youth and Young Adults, the Director of Lutheran Schools, the Director of Lutheran Community Care and the Director for Chaplaincy Ministry;
  - (f) Principals of Schools in the District appointed as prescribed in the By-laws Part B, VII B 2.
  - (g) Chairpersons of Standing Committees and the appointed Chairperson of Synod, unless already eligible under 2 (a-f) above.
3. Members shall serve as follows:
  - (a) The lay delegates of the congregations 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.
  - (b) The members of the Ministry shall serve for such time as their names are recorded on the Roll of Pastors.
  - (c) 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.
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.
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.

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. The length of the synodical term shall be two years or such other period as may from time to time be prescribed by the By-laws Part B.
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 District Administrator as laid down in the By-laws Part B.
9. A special convention of the Synod
  - (a) may be convened by the Bishop with the consent of the Church Council;
  - (b) shall be convened by the Bishop at the request of the Church Council.
  - (c) Notice of a special convention stating its purpose shall be given to the members of the Synod by the District Administrator as laid down in the By-laws Part B.
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.
11. Subject to this Constitution and the By-laws, the Synod may determine its own procedure.
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 VIII. OFFICERS AND ADMINISTRATION**

1. The Officials of the District shall be a Bishop and one or more Assistant Bishops. 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.
2. The District shall have a District Administrator to undertake administrative duties including those normally undertaken by a Secretary and Treasurer.
3. The District shall have a Church Council, which shall consist of the Bishop, Assistant Bishop or Assistant Bishops, 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.
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 Committees shall be as defined in the By-laws.
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.
6. The District shall appoint such commissions, tribunals and other bodies and officers as it may deem necessary and shall prescribe their duties.
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. 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.

9. The Church Council shall appoint a Public Officer, who shall hold office during the pleasure of Church Council and who shall carry out the duties laid down by the Associations Incorporation Act 1985 SA.
10. The members for the time being of the Church Council and the District Administrator shall be the Seal holders of the District. The Seal of the District shall be affixed only by the authority of a resolution of the Church Council, and two Seal holders shall sign every document to which the Seal is affixed. The District Administrator shall be the custodian of the Seal.

## **ARTICLE IX. ZONES**

1. The District may be divided into Zones, whose territorial boundaries shall be fixed by the District and may be altered by it.
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.
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 X. DISCIPLINE, ADJUDICATION AND APPEALS**

1. Ecclesiastical discipline shall be exercised in the Church:
  - (a) by a congregation against any one of its members
    - (i) who departs from the Confession of the Church; or
    - (ii) who manifestly leads an ungodly life;
  - (b) 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
    - (i) departs from the Confession of the Church; or
    - (ii) is manifestly guilty of ungodly actions or life; or
    - (iii) persistently disregards the Constitution, rules or resolutions of the Church or of the respective District, parish or congregation; and
  - (c) by those to whom such authority is given in the By-laws against a congregation
    - (i) if it departs from the Confession of the Church; or
    - (ii) if it refuses to exercise discipline against any of its members, pastor, teacher, or other church worker; or
    - (iii) if it 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 the scriptural principles, and shall be as laid down in the By-laws.
2. The Church shall have authority to adjudicate upon matters
  - (a) which pertain to the interpretation of the Constitution, By-laws, rules, or resolutions of any of the following
    - (i) the Church
    - (ii) Districts
    - (iii) congregations
    - (iv) parishes;
  - (b) which are in dispute between any of the following
    - (i) the Church
    - (ii) Districts
    - (iii) congregations
    - (iv) parishes
    - (v) pastors in their capacity as pastors
    - (vi) lay members in their capacity as lay members; or
  - (c) which are submitted to the Church and accepted by it for adjudication.



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 XI. – DISSOLUTION

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.
2. Action initiated by the Church
  - (a) For any action referred to in the preceding Clause XI 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.
  - (b) Any decision for any action referred to in the preceding Clause XI 1 shall be made by the Church according to the following procedure:
    - (i) Notice of a motion specifying such action shall be given to the delegates of the General Synod
    - (ii) 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.
    - (iii) The motion must be presented at a duly constituted General Synod and shall require a majority of three-quarters of all the registered delegates of the General Synod.
  - c. Once a decision has been determined by the Church according to the preceding Clause XI 2b it shall be communicated to the District which shall then take the following action:
    - (i) Notice of a motion specifying the action shall be given to the delegates of the District Synod.
    - (ii) 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.
    - (iii) The motion must be presented at a duly constituted District Synod and shall require a majority of three-quarters of all the registered delegates of the District Synod.
    - (iv) The special resolution shall be submitted to the General Church Board.
3. Action initiated by the District
  - (a) For any action referred to in the preceding Clause XI 1 initiated by the District, the District through its Synod 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.
  - (b) Following such consultation as described in the preceding Clause XI 3a, any outline of the reasons and purposes for dissolution shall be made by the District according to the following procedure:
    - (i) Notice of a motion specifying the action shall be given to the delegates of the District Synod.
    - (ii) 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.
    - (iii) The motion must be presented at a duly constituted District Synod and shall require a majority of three-quarters of all the registered delegates of the District Synod.
    - (iv) The special resolution shall be submitted to the General Church Board.
  - (c) Upon the agreement, the General Church Board, subject to the provisions in the Constitution of the Church, Article IX 1, shall submit the proposal to a General Synod for approval according to the procedure in the preceding Clause XI 2b.
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.
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 XII. BY-LAWS**

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.
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.
3. 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 has absolute discretion to defer consideration thereof and voting thereon until the next day.

## **ARTICLE XIII. ALTERATIONS TO THE CONSTITUTION**

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 II and Article XII Clause 1, which shall be considered fundamental and unalterable in their intent and meaning.
2. Notice of any proposed amendment, alteration, addition or repeal shall be given on the agenda of the convention, and any such petition shall require a two-thirds majority of the total number eligible to vote according to Article VII Clause 2, unless the petition relates to an amendment, alteration, addition, or repeal already approved or recommended by the General Synod or General Church Board of the Church in reference to the Constitution for Districts prescribed by the By-laws of the Church, in which case the petition shall require a majority of those voting.

# BY-LAWS PART A OF THE DISTRICT

## 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 programme and work of the Church and of the District;
  - (d) 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;
  - (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 and By-laws, for determination by the Church Council of the District that the amended Constitution and By-laws remain in conformity with Article IV Clause 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 Administrator of the Church, whereupon the congregation shall be added to the official Roll of Congregations.

### Withdrawal from Membership

1. A congregation may withdraw from membership in the Church by adopting the following procedure:
  - (a) The resolution indicating desire to withdraw must be adopted at a legally constituted meeting of the congregation by a two-thirds majority of the voting members and shall be submitted to the Bishop of the District within fourteen (14) days of adoption.
  - (b) The Bishop of the District or the Bishop's representative shall negotiate with the congregation for at least ninety days after receipt of the resolution.
  - (c) 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.
  - (d) If the vote to withdraw is 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 Administrator of the Church, who shall publish it in the official publication of the Church.
  - (e) 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

1. 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 organized 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 Clause 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**

1. 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;
  - (f) make nominations for the positions 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;
  - (f) the General Church Board of the Church, or its Executive.

### **Nominations**

1. The method of nominating the Bishop and thereafter in their order the Assistant Bishops of the District shall be as follows:
  - (a) A Nominations Committee consisting of three 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.
  - (b) 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).

#### **(c) Nomination of Bishop**

- (i) 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.
- (ii) 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.
- (iii) The list of nominees shall be presented to the Pastors Conference held immediately prior to the regular convention of Synod.
- (iv) 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 votes cast, and

these shall be declared to be the nominees of the Pastors Conference for the office of Bishop.

**(d) Nomination of First Assistant Bishop and Second Assistant Bishop**

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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**

1. The method of electing the Bishop and thereafter in their order the Assistant Bishops of the District shall be as follows:
  - (a) 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 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 the majority approval of the district delegates present, the vote being taken by show of hands.
  - (b) The provisions of sub-section 4 (a) of the previous clause shall apply to any nominee whose name was added to the ballot paper by action of the convention.
  - (c) 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:**

- (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 and pastors 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;
- (f) perform such other duties as are prescribed in the By-laws Part B.

**2. The Bishop-elect shall:**

- (a) normally assume office three 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;
  - (iii) assist the Bishop-elect to become acquainted with the duties and responsibilities of the office.

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

**4. The Second Assistant Bishop:**

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

**5. The District Administrator shall:**

- (a) perform those duties generally incumbent upon the offices of secretary and treasurer, and as prescribed in the Terms of Reference for Full-time Executive Officers of the District;
- (b) inform the Administrator of the Church of any changes in or additions to the Roll of Congregations and the Roll of Pastors;
- (c) forward to the Administrator of the Church, all moneys for the Treasury of the Church;
- (d) forward annually to the Administrator of the Church a financial statement of all receipts and expenditure of the District.

**6. The Church Council shall:**

- (a) ensure that the programs and policies of the Church and the District are carried out in the District;
- (b) ensure that regular reports are received from all Standing Committees, commissions and other appointed bodies, either directly or through appropriate Directors, and shall make a careful study of them with a view to making recommendations for action by the Synod;
- (c) work with Standing Committees in such a way that allows them maximum autonomy to carry out their specific functions within the overall programs, priorities and policies of the District;
- (d) initiate research into any sphere of activity in the District, with a view to carrying out the Objects of the Church in the District;
- (e) report to the Synod on the financial position of the District for the previous calendar year, present a current financial report and recommend the budget for the coming calendar year;
- (f) recommend to the Synod projects involving provision for major capital expenditure;
- (g) recommend to the Synod a proposed program of projects involving major capital expenditure for the following synodical period or periods;
- (h) take action in matters involving expenditure not covered by the budget or provided for by the Synod;
- (i) 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. Executive Offices of Committees:**

- (a) 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.
- (b) 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.
- (c) An executive officer shall be appointed for three (3) years, unless otherwise determined by the Synod, and shall be eligible for re appointment.
- (d) The duties of the Executive Officer shall be defined by the relevant committee and be approved by the Church Council.
- (e) 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;
  - (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;
  - (c) advise the Bishop of the District regarding the progress of the work of the Church in the Zone.

### **SECTION X. DISCIPLINE, ADJUDICATION, AND APPEAL**

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

### **SECTION XI. – DISTRICT SUPERVISED ORGANISATIONS**

The District may, from time to time, have or enter into a constitutional relationship with other organizations in the District, under guidelines outlined in the By-laws Part B Article X, provided that the Objects of the organisations concerned are consistent with the Objects of the District.

## **BY-LAWS PART B**

Alterable Rules pertaining to the District

### **ARTICLE VII—THE SYNOD**

#### **A. The Convening of Synod**

1. The regular convention of the District shall ordinarily be held in May or as near as possible to that time as arranged by the Church Council and the inviting congregation or congregations.
2. Notice of a regular convention shall be published by the District Administrator in an official publication of the Church at least three (3) months before the appointed date.
3. Notice of a special convention shall be published by the District Administrator in an official publication of the Church at least four (4) weeks before the date of such convention.
4. The Agenda, setting out details of the matters to be dealt with at the regular convention of the District, and Reports of Councils and Standing Committees shall be forwarded by the District Administrator to all delegates at least three (3) weeks before the date of such convention. Late proposals in writing and handed to the District Administrator before the first business session may be accepted by the convention and placed on the Agenda. At its discretion Synod may admit new business during the days of the convention.
5. The Agenda for a special convention shall be forwarded to all delegates at least one (1) week before the date of such convention. At its discretion Synod may admit new business during the sessions of the convention.
6. Each accredited Auxiliary of the Church within the District shall submit a report of its activities to the regular convention of the District through the Church Council.

#### **B. Representation at Conventions**

1. The ratio of lay delegates to communicants in each congregation, or parish if the congregations opt for parish representation, shall be one (1) lay delegate for each of one hundred (100) communicants or part thereof.
2. The ratio of school principals shall be one principal for every three principals, or part thereof, of Lutheran Schools in the District. These representatives are to be appointed annually by principals in consultation with the Director of Lutheran Schools.
3. Lay delegates shall be voting members of congregations.
4. Secretaries shall forward in writing the names and addresses of the lay delegates of their congregations (or parish) to the District Administrator.
5. One-half plus one of the persons entitled to vote shall form a quorum at convention.

Note: While we welcome and encourage all members of the ministry of the District to attend conventions, for the purpose of establishing a quorum at District conventions, members of the ministry who are full-time officers with the Church, lecturers at Australian Lutheran College, pastors teaching at our colleges, and pastors emeriti shall not be included, but these members shall still be entitled to vote at conventions of the District.



Consultants: The Bishop of the Church, the Principals of Schools in the District, the members of the Faculty of Australian Lutheran College, the Executive Officers of the Church, and such other persons as the Church Council may deem advisable, may be invited to attend as consultants. Such consultants shall have the right to speak, but not the right to vote, unless they are members of the Ministry of the District, or School Principals elected as prescribed in By laws Part B VII B2 or elected delegates of congregations.

6. Visitors. Members of the Church, not being delegates, may take part in discussions, but do not have the right to vote. Other visitors may attend but may speak only with the permission of the Chairperson.

### **C. Procedure in Transacting Business**

1. The business of a convention of the District shall be chaired by the Bishop, or at the Bishop's request, the First Assistant Bishop, the Second Assistant Bishop, or a lay person appointed by convention.
2. The Chairperson shall ensure that a quorum is present for the transaction of business.
3. Persons desiring to speak shall ask for the floor by raising their hands 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.
4. All proposals on the Agenda shall be placed before the convention for discussion and decision, unless withdrawn.
5. A proposal which has been printed on the Agenda of the convention may be withdrawn by the body from which it originated, with the consent of the convention.
6. No motion or amendment may be discussed or voted on until it has been moved and seconded by a delegate. Proposals stemming from reports of Councils and Standing Committees shall be regarded as having been moved and seconded.
7. 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.
8. At the request of the mover and seconder a motion or an amendment may be withdrawn with the approval of convention.
9. 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.
10. Proposers of amendments shall present the same to the Chairperson in writing if requested.
11. Every amendment shall be relevant to the motion to which it refers.
12. Those taking part in a debate shall be limited to one (1) speech on a question, except to clear up misunderstanding or in exercising the right of reply, or if the meeting grants permission.
13. A right of reply is allowed only 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.
14. Seconded amendments are new questions and persons who have spoken to the motion shall be permitted to speak again.

15. The mover of any motion shall normally 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.
16. 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 the question it shall be put without right of reply.
17. 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.
18. No motion may be brought forward which is the same in substance as a question which has already been resolved by the convention, unless a motion calling for a reconsideration of the question previously decided is moved and seconded by persons who voted with the majority when the question 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 question may be reconsidered only once at the same convention.
19. A question 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 a second vote may be demanded.
20. 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.
21. Deference shall be paid to the Chairperson's authority. All present shall be seated whenever the Chairperson rises to speak, and when speaking shall be heard without interruption, except when a point of order is raised.
22. 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.
23. 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.
24. The Chairperson may speak briefly for the purpose of giving some desired or necessary information. If, however, the Chairperson wishes not to chair the business at any stage, the First Assistant Bishop, the Second Assistant Bishop or an appointed lay person shall take the chair.
25. Unless otherwise stipulated a simple majority shall decide the question, and in the event of an equality of votes the Chairperson shall in addition to a deliberative vote have a casting vote or may refer the question for further consideration.
26. 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 question may be superseded for that particular convention by the acceptance of either of the following motions:
    - (i) 'That the debate be adjourned;'
    - (ii) 'That Synod proceed to the next business.'

- (b) A question 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 question 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.' However, the Chairperson, if of opinion the question has not been sufficiently discussed, may refuse to accept such a motion. Those who have signified their intention to speak prior to moving the closure of debate shall be given the right to speak at the discretion of the Chairperson.
28. Matters of conscience and of doctrine shall have precedence over other questions, 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 decision of the meeting.
  29. Any of these standing orders may, if the need arises, be suspended in respect to any business of the convention, provided that two-thirds of the delegates present consent.
  30. Any proposals or questions coming before the convention may be referred to a special committee for study and for report to the convention
    - (a) by the Church Council prior to the sessions;
    - (b) by the convention during sessions.
  31. All proceedings shall be entered into a minute book, with the exception of unseconded motions and unseconded 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 Synod.

## **D. Nominations and Elections**

1. The Method of Nominating and Electing the Bishop and Assistant Bishops is as laid down in By-laws Part A VII 3,4.
2. The Method of Nominating and Electing the Members of the Church Council
  - (a) The nomination and election of the members of the Church Council shall be conducted according to the procedures laid down for general elections, except that the second reading of these nominations and the election of candidates shall precede the second reading of nominations to the Standing Committees of the District.

### **The Nominations Committee**

#### **(a) Membership**

The Committee shall consist of four (4) members: one (1) pastor, and three (3) lay members, to be appointed by the Church Council. Appointments are for a two (2) year term.

#### **(b) Duties**

The duties of the Committee shall be:

- (i) to seek nominations with relevant information from congregations;
- (ii) to make additional nominations at its discretion;
- (iii) to ensure that sufficient nominations are made to fill all vacancies;
- (iv) to ensure that the consent of nominees has been received and that they are eligible for office;
- (v) to supply to the convention relevant information regarding nominees.

#### **(c) General Provisions**

The following provisions shall apply to nominations for any elected office or position on a Standing Committee of the District:

- (i) Nominations, indicating the consent of the nominee, may be forwarded by any congregation to the Nominations Committee.
- (ii) Suggested nominations may be made by the Bishop of the District and by Standing Committees for consideration by the Nominations Committee.
- (iii) During the days of the convention, up to the close of nominations, any two (2) delegates may submit a further nomination, which shall be signed by the proposer and seconder, and shall indicate the consent of the nominee.
- (iv) The Nominations Committee is not bound to accept all nominations received, with the exception of the nominations for the offices of Bishop and Assistant Bishops.
- (v) Retiring office-bearers and retiring members of councils and committees, eligible for re-election, shall be nominees.

**(d) Procedures**

The following procedures shall be followed:

- (i) The election of the Bishop and/or Assistant Bishops shall be completed before the first reading of nominations for all other elective offices of the District.
- (ii) The election of the members of the Church Council shall be completed before the second reading of nominations to the Standing Committees of the District.

**The Electoral Committee**

**(a) Membership**

The Committee shall consist of one (1) pastor and one (1) lay member, appointed by the Church Council to be assisted by additional members as appointed by the supporting congregation to carry out the duties required.

**(b) Duties**

The duties of the Committee shall be:

- (i) to conduct the elections at the regular convention of the District;
- (ii) in consultation with the chairperson of the Nominations Committee to prepare ballot papers for the elections;
- (iii) to count the votes according to the preferential system, unless the rules of the District otherwise prescribe the procedure for voting;
- (iv) to announce the result as soon as possible at a time determined by the chairperson of the convention;
- (v) to keep an accurate record of the results of all elections;
- (vi) to retain all ballot papers until the close of the convention.

**(c) General Provisions**

The following provisions shall be followed:

- (i) The election of Officials, Councils and Standing Committees shall be by preferential ballot.
- (ii) The order of the names in each group shall be determined by lot.
- (iii) In the event of an equality of votes in any election the Bishop, or the Bishop's deputy for the time being, may give a casting vote. If the Bishop is a candidate in any such election the issue shall be decided by another ballot.
- (iv) In the event of an election being challenged, the Committee shall 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.

**E. Method of Voting Between Conventions**

When, pursuant to Article VII, Clause 10 of the Constitution, the Church Council decides that a matter of urgency shall be referred to the delegates of the District for determination, the following procedure shall apply:

1. Information fully setting out the pro and contra shall be forwarded through the Bishop's office to all delegates. Delegates should, except in very urgent circumstances, consult with their respective congregations.

2. Voting shall be by ballot on the ballot paper provided. Alternatively, voting can be by electronic means provided that the necessary safeguards are in place to ensure the validity of the vote.
3. The ballots cast shall be returned separately by each delegate to the District Administrator. The date and hour of closure shall be stipulated by the Bishop.
4. A committee of not more than three (3) members shall be appointed by the Church Council to count the votes. The Committee shall meet at the time of the closing of the ballot after which all votes shall be counted.
5. The result of the ballot shall be conveyed by the committee to the Bishop who shall determine whether the official announcement to the District, indicating the number of votes cast in the affirmative and in the negative, shall be made in an official publication of the Church or in a separate communication.

## **ARTICLE VIII—OFFICERS AND ADMINISTRATION**

### **A. General Rules**

Members of the Church Council shall not be eligible for any other elected position in the District, unless otherwise determined by convention. Other persons may be elected to not more than two (2) Standing Committees.

1. The initial term of office of the Bishop of the District shall be four (4) years, and he shall be eligible for re-election for one or more two (2) year term.
  - (a) With the exception of the Bishop, the term of office of Officials of the District shall be two (2) years.
  - (b) The term of office of members of Church Council and Standing Committees elected by Synod shall be two (2) years unless otherwise specified in these By-laws or determined by resolution of Synod. Retiring members are eligible for re-election.
  - (c) The term of office of members of Standing Committees appointed by the Church Council shall be two (2) years, unless otherwise specified in these By-laws. Retiring members are eligible for re-election.
  - (d) Officials of the District, members of Standing Committees, and Executive Officers of the District may serve a maximum of five terms. District Church Council will have the authority to approve an additional one term.
  - (e) Any person appointed to fill a casual vacancy in an elective position shall hold office until the next regular convention of the District, when an election shall be held to fill the office for the unexpired term.
  - (f) Unless otherwise specified, the term of office of all newly elected Officials, Officers and Members of Standing Committees shall commence at the close of the convention at which they are elected.
  - (g) If possible, there shall be no more than two (2) members of the governing body who are Christians other than from the Lutheran Church on each of the school and aged care boards resulting in no more than twenty (20) per-cent of the number of the board.
2. No parish shall have majority representation on any Standing Committee of the District, although majority representation on localised committees may be permitted.
3. Salaried Executive Officers and persons permanently employed by a Standing Committee of the District shall not be members of the Standing Committee under which they serve. Salaried Executive Officers shall not be members of Church Council.
4. The spouse of a salaried executive officer or person permanently employed by the District shall not be a member of the Standing Committee/Board/Council.
5. The election of an official of the District to a full-time office in the Church shall render vacant the previously held office in the District.

6. Positions held on Councils and Standing Committees of the District shall be deemed to be vacant upon the acceptance of a Call by a pastor to another District or upon the transfer of membership by a lay member to another District unless the Church Council determines otherwise.
7. Any official, officer or committee member who ceases to hold membership in a congregation of the Church shall automatically cease to hold such position.
8. The District shall have the right to abolish any office or committee it has established.
9. All official books, records and correspondence of the officials, officers and committees of the District shall remain the property of the District.
10. Reports shall be submitted by officials, officers, and committees by such date fixed by the District Administrator in order to be available at the regular convention.

## **B. The Bishop**

1. The Bishop shall serve for an initial term of four (4) years and shall be eligible for re-election.
2. In addition to what is laid down in the By-laws Part A, the duties and rights of the Bishop shall include the following: To:
  - (a) make the necessary final arrangements for all conventions of the District in conjunction with the District Administrator;
  - (b) preside at meetings of the Church Council, or ask the Church Council to elect one of its members to preside at such meetings;
  - (c) preside at conventions of the District or appoint a person to act in that role;
  - (d) present the Bishop's report to the regular convention of the District;
  - (e) ensure that all resolutions of conventions of the District are carried out;
  - (f) represent the District in an official capacity whenever and wherever necessary, or to appoint a deputy;
  - (g) attend meetings of congregations or parishes convened for the purpose of calling a pastor, or to appoint a deputy, and as a rule to preside;
  - (h) provide for the installation of pastors into new charges;
  - (i) exercise with discretion the official right to attend the meetings of any committee or auxiliary of the District;
  - (j) receive reports from Zone Pastors, to advise them in their duties, and to enlist their co-operation in the promotion of the work of the Church and the District;
  - (k) make official visits to congregations and parishes;
  - (l) veto any resolution or action of a committee or auxiliary which contravenes the Confessions of the Evangelical Lutheran Church, the Constitution or By-laws of the Church and District, or directions of any convention of the District after consultation with the Church Council;
  - (m) serve as a member of the Pastors' Conference Planning Committee.

## **C. The District Administrator**

1. The District Administrator shall be appointed by the Church Council.
2. The duties of the District Administrator are listed in the Job Description as determined by Church Council.

## **D. The Church Council**

1. The Church Council shall consist of nine (9) members: the Bishop, the First Assistant Bishop, the Second Assistant Bishop, one (1) additional pastor and five (5) lay members. The one (1) additional pastor and four (4) of the additional lay members shall be elected by the Synod and one (1) lay member, being a qualified Finance Consultant shall be appointed by the Synod, on the recommendation of the Church Council.
2. The Church Council shall normally meet monthly or as called by the Bishop whenever deemed necessary, and when three (3) members of the Church Council request a meeting such meeting shall be held within three (3) weeks.
3. In addition to its sphere of responsibility and authority as outlined in the By-laws Part A, the Church Council shall:
  - (a) be responsible for the overall program, supervise the work, and be concerned with the general welfare, of the District Administrator;
  - (b) arrange in consultation with the inviting congregation or congregations the time and place for the regular convention of the District and for any special convention of the District;
  - (c) fill any vacancy in any office or on any committee, except when such vacancy occurs within two (2) months of the next regular convention of the District;
  - (d) remove any office bearer or committee member from office if, in its considered judgment, the said member becomes incapable or unworthy of office, and fill the vacancy thus created until the next regular convention of the District;
  - (e) receive, between the conventions of the District, an incoming pastor as a pastor of the District;
  - (f) act as Seal holders;
  - (g) approve any alterations to the By-laws Part B of the District or the rules governing any standing committee, fund, policy or terms of reference of the District made necessary by any resolution of the District Synod, after receiving advice from the Constitutions Committee.

## **E. Financial Administration**

1. The Synod shall, on the recommendation of the Church Council, appoint a qualified Finance Consultant as a member of the Church Council for a term expiring at the next Synod.
2. The financial and property management of the District shall be carried out by the District Administrator and the Finance Consultant in accordance with the resolutions of Synod, and where no directions have been given by Synod in accordance with the instructions of Church Council.
3. The District Administrator and the Finance Consultant shall:
  - (a) review the general financial policy of the District and, where appropriate, make recommendations to the Church Council;
  - (b) examine the financial position of the District on a regular basis during the year and make recommendations accordingly to the Church Council;
  - (c) examine proposals placed before them by District Committees for projects involving major capital expenditure and make recommendations to the Church Council regarding their financial viability and the amount of capital to be expended;
  - (d) examine proposals placed before them involving requests for LLL loans or capital grants and, in accordance with LLL and LCA guidelines/rules, make recommendations to the Church Council;
  - (e) ensure that effective accounting and internal control procedures are used in the finances of the District, oversee the preparation of and review the financial statements of the District;
  - (f) arrange for the auditing of the financial records and statements of the District and submit nomination(s) to the Church Council for the auditor(s) of the District;
  - (g) review, on a regular basis, the following assets and liabilities of the District:
    - (i) Properties held in the name of LCA SA&NT District Holdings Ltd
    - (ii) District Office furniture and equipment

- (iii) bank accounts and any other investments
  - (iv) funds held for District purposes
  - (v) any other funds and, where appropriate, make recommendations to the Church Council;
- (h) review, on a regular basis, all LLL loans for loan arrears and, after investigation, make recommendations to the Church Council;

## **F. The Auditor**

1. The Church Council shall appoint one (1) or more auditors, who shall perform those duties which are laid down in these By-laws or are required by the District Administrator.
2. The duties of the Auditor shall include the following:
  - (a) see that the books and accounts of the District are kept in the form and manner required by the Church Council;
  - (b) audit the books and accounts of the District when required by the Church Council.

## **G. Standing Committees**

The Standing Committees of the District are as follows:

1. Constitutions Committee
2. Nominations Committee
3. Electoral Committee
4. Lutheran Aged Care Committee

## **H. General Rules Governing Standing Committees**

1. At its first meeting after the regular convention of the District each committee shall appoint a chairperson and a secretary and such other officers and such sub-committees as are deemed desirable and necessary unless such powers are vested in the Church Council or other body.
2. The duties of the chairperson of a committee shall be to:
  - (a) arrange, together with the secretary, for meetings of the committee;
  - (b) preside at meetings of the committee;
  - (c) see that all resolutions of the committee are carried out;
  - (d) see that the annual report is prepared and approved by the committee for submission to the Church Council and the regular convention of the District.
3. The duties of the secretary of a committee shall be to:
  - (a) notify all members of meetings of the committee;
  - (b) keep a true and accurate record of all meetings;
  - (c) receive and attend to all correspondence, unless otherwise determined by the committee;
  - (d) draw up an agenda for committee meetings.
4. In the absence of the chairperson of a committee the vice chairperson shall preside or, if there be no vice-chairperson, a chairperson shall be appointed by the committee for that meeting.
5. One-half of the members of a committee shall constitute a quorum.
6. A special meeting, desired by any two (2) members of a committee, shall be called by the secretary of the committee within fourteen (14) days of receiving a written request, giving reasons, such reasons being communicated to all members of the committee.
7. A member of a committee who is absent for two (2) consecutive meetings without good reason shall forfeit membership on such committee. However, any member who will be absent for a



period of six (6) months or more shall resign as a member of that committee and the committee shall inform the Church Council.

8. A committee shall furnish members of the Church Council with complete minutes of meetings.
9. A committee shall obtain the sanction of the Church Council before making any financial appeal in the District.
10. A sub-committee may be established for the supplying of particular needs of a committee. The committee shall have general supervision over its sub-committee.
11. The Church Council shall have power to appoint, at the request of any committee of the District, such consultants as the Church Council deems necessary for the effective operation of the work of that committee. Any such consultants shall not be eligible to vote or hold office.
12. Any proposal to appoint an honorary member of a committee shall be submitted to the Church Council for decision. Any such honorary member shall have consultative status.
13. No council or committee of the District shall enter into or increase any financial commitment or overdraft limit without the express permission and prior approval of the Church Council.

## **I. Duties Of Standing Committees**

### **CONSTITUTIONS COMMITTEE**

#### **1. Membership**

The committee shall consist of five (5) members with at least one (1) member to be a pastor:

- (a) the District Administrator; and
- (b) four (4) members elected by Synod.

#### **2. Duties**

The duties of the Committee shall be to:

- (a) examine all reports and overtures to Synod that involve changes or amendments to the Constitution of the District or which in any manner affect the By-laws, with respect to their content, wording, and agreement with the Constitution and By-laws of the District
- (b) give guidance on constitutional matters at the conventions of the District;
- (c) interpret, in cases of controversy, the Constitution and By-laws of the District and resolutions of Synod, which interpretation shall be binding until and unless Synod in convention decides otherwise;
- (d) examine new, revised, amended or changed Constitutions and By-laws of congregations and parishes, schools, aged homes and other similar institutions to ensure that they are in harmony with the Constitution and By-laws of the District;
- (e) advise congregations and parishes of any changes it may deem necessary in their constitutions or By-laws;
- (f) file a copy of the Constitution and By-laws of each congregation and parish, schools, aged homes and other similar entities;
- (g) approve Constitutions and By-laws of congregations and parishes, schools, aged homes and other similar institutions and to submit them to the Church Council for endorsement and to the Bishop and District Administrator for their signature;
- (h) report as required to the Church Council.

### **NOMINATIONS COMMITTEE**

See By-Laws Part B, Article VII, D.3

### **ELECTORAL COMMITTEE**

See By-laws Part B, Article VII, D.4

## LUTHERAN AGED CARE COMMITTEE

### Preamble

Our gracious God brings people to faith in Christ, a faith which is to be active in love (Gal 5:6). Our care for ageing people should, therefore, be an expression of God's love and of our love and respect for them. Our desire is that they know Christ as their Saviour, grow in faith in him, serve him here, and finally be with him in heaven.

### 1. Objects

To carry out our ministry to the ageing, the Aged Care Committee will strive to:

- (a) promote and support the ministry of care with the ageing in the District;
- (b) advise the District Church Council on aged care matters and help the District to implement an effective ministry to the ageing;
- (c) encourage and support congregations and aged care organisations within the District in their efforts to minister to ageing members of the District, Church and the wider community;
- (d) encourage and assist members of the Church to prepare and equip themselves for this important ministry of the Church.

### 2. Membership

The Committee

- (a) The Committee shall consist of four (4) members.
- (b) Membership shall comprise one (1) pastor and three (3) lay members elected by Synod.
- (c) Ideally all members shall be directly involved in aged care ministry in congregations and/or in aged care organisations within the District.
- (d) The pastor shall be a pastor who serves an aged care organisation within the District.

### 3. Duties

The duties of the Committee shall be to:

- (a) receive the Lutheran Church of Australia's Aged Care Policy and administer it as appropriate within the District;
- (b) offer advice and resources to, and assist in the resolution of problems where appropriate in, aged care organisations and congregations in the District;
- (c) encourage cooperation between aged care organisations in the District and in the LCA and encourage organisations and local congregations to co-minister to the ageing;
- (d) encourage and support ministries with ageing people at the congregational level by helping pastors to keep informed about aged care developments and the needs of the ageing;
- (e) submit an annual report to the Church Council and present to Synod.

## ABORIGINAL MINISTRY SOUTH AUSTRALIA

### 1. Objects

The objects of the Committee shall be to encourage and equip Aboriginal people to extend the good news of Jesus among their people in the SA-NT District.

### 2. Membership

The Committee shall consist of up to five (5) members with at least one (1) member to be a pastor:

- (a) four (4) elected by Synod;
- (b) one (1) to be appointed by Church Council;
- (c) when possible the Committee shall include Aboriginal members and/or consultants;
- (d) the Assistant Bishop for Mission and the District Administrator shall be consultants to the Committee.

### 3. Duties

The duties of the Committee shall be to:

- (a) encourage ministry with and among Aboriginal people in the District in accordance with the policies of the Church;
- (b) consult with and support the Assistant Bishop for Mission in:
- (c) calling, appointing or transferring pastors serving in areas supported by AbMinSA;

- (d) calling and employment or appointment of church workers and other staff members as required;
- (e) ensure that new staff receive adequate orientation prior to entering a field of work;
- (f) arrange for regular visitation of the fields, providing for the well-being of those involved in lay and ordained ministry;
- (g) advocate for positive financial and other physical arrangements of each field, including maintained housing for workers, where appropriate;
- (h) receive regular reports from the fields and workers in order to more adequately encourage and support ministry in and with the Aboriginal communities;
- (i) encourage and assist workers to attend relevant training opportunities;
- (j) encourage (if appropriate) ministry support teams in all areas to facilitate appropriate working together of people in the local area;
- (k) maintain liaison with other entities engaged in Aboriginal ministry in matters of common concern;
- (l) identify, assess and act on issues of concern to Aboriginal people as they touch our ministry in rural and urban areas;
- (m) locate suitable people and resources for use in the development of cross-cultural understanding in local congregations;
- (n) consult with the Bishop of the District to negotiate with the Government in matters of Aboriginal welfare and to cooperate with it according to the policies of the Church;
- (o) encourage and support the training of Aboriginal leaders, both men and women, in consultation with local communities;
- (p) submit an annual report to the Church Council, and present to Synod;
- (q) meet at least quarterly or when called by the chairperson.

## **ARTICLE IX—THE ZONES**

1. The Zone Gathering
  - (a) The Zone Gathering may be convened by the Zone Pastor with assistance from other members of the Zone.
  - (b) All members of the Zone shall have the right to attend the Zone Gathering.
2. Meeting of Zone Pastors  
The Bishop of the District may convene a meeting of Zone Pastors annually.

## **ARTICLE X – DISTRICT SUPERVISED ORGANISATIONS**

The District shall have supervisory and/or election powers in relation to the following organisations:

1. Riverview Lutheran Rest Home (Loxton) Inc as prescribed in its Constitution;
2. Tanunda Lutheran Home Incorporated as prescribed in its Constitution;
3. Concordia College Incorporated (Highgate) as prescribed in its Constitution;
4. Immanuel College Incorporated (Novar Gardens) as prescribed in its Constitution;
5. Lutheran Education SA, NT & WA Incorporated as prescribed in its Constitution;
6. Lutheran Community Care Incorporated as prescribed in its Constitution.

## **B. (1) TERMS OF REFERENCE FOR FULL-TIME EXECUTIVE OFFICERS OF THE DISTRICT**

### **ASSISTANT BISHOP FOR MISSION**

1. Appointment and Call:
  - (a) The Call Committee shall comprise the Bishop, the 1st and 2nd Assistant Bishops and two (2) representatives from the Council for Mission.
  - (b) District pastors shall be invited to submit names of any pastor on the Roll of Pastors for consideration by the Call Committee. Expressions of interest may also be sought from pastors across all LCA Districts.
  - (c) The Call Committee will short list suitable candidates and invite them to undertake an interview.
  - (d) The Call Committee shall submit the names of recommended candidates to the District Church Council for endorsement and submission to District Pastors for an e-vote.
  - (e) The candidate endorsed by District Pastors shall be forwarded to Synod for election by e-vote, whereupon a Call will be extended to the pastor.
  - (f) The Called pastor shall have the usual period of 4 weeks to consider the Call.
  - (g) The Assistant Bishop for Mission shall be elected by synod to serve for an initial term of four (4) years and be eligible for further Calls for additional terms of four (4) years.
2. Relationship to the District Bishop:

The Assistant Bishop for Mission shall work in close consultation and co-operation with and under the oversight of the District Bishop.
3. Relationship to the Council for Mission:

The Assistant Bishop for Mission shall work collaboratively with the Council for Mission and have oversight of that Council.
4. Duties:

The duties of the Assistant Bishop for Mission are listed in the Job Description as determined by District Church Council.

Revised constitution approved by the Convention of Synod of the Lutheran Church of Australia, South Australia and Northern Territory District Incorporated on 3 May 2014.

Revised constitution approved by the Convention of Synod of the Lutheran Church of Australia, South Australia and Northern Territory District Incorporated on 22 May 2016.

Revised constitution approved by the Convention of Synod of the Lutheran Church of Australia, South Australia and Northern Territory District Incorporated on 6 May 2018.

Revised constitution approved by the Convention of Synod of the Lutheran Church of Australia, South Australia and Northern Territory District Incorporated on 26 August 2021.

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