

# EXCERPTS FROM THE CONSTITUTION AND BY-LAWS

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## WITH REFERENCE TO THE CHURCH AND THE PASTORATE

### Constitution

#### ARTICLE 3. OBJECTS

- 3.1 The Objects of the Church are to
  - 3.1.1 fulfil the mission of the Christian Church in the world by proclaiming the Word of God and administering the Sacraments in accordance with the Confession of the Church laid down in the preceding Article 2;
  - 3.1.2 unite in one body Evangelical Lutheran congregations in Australia and New Zealand for the more effective work of the Church;
  - 3.1.3 promote and maintain true Christian unity in the bond of peace;
  - 3.1.4 ensure that preaching, teaching and practice in the Church are in conformity with the Confession of the Church;
  - 3.1.5 provide pastors and teachers and other church workers for service in the Church and its congregations, and for this purpose to establish and maintain institutions for their training;
  - 3.1.6 encourage every congregation to carry out its mission to its local community;
  - 3.1.7 establish, develop and support new congregations where it is not possible for individual congregations to do so;
  - 3.1.8 support and cooperate with selected churches in other lands as they seek to carry out their mission;
  - 3.1.9 dialogue with other Christian church bodies;
  - 3.1.10 establish and maintain schools and other institutions and to foster all other means whereby the members of the congregations receive Christian education;
  - 3.1.11 cultivate uniformity in worship, ecclesiastical practice and customs in accord with the principles laid down in Article X. of the Formula of Concord;
  - 3.1.12 publish, procure, and distribute literature compatible with the Confession and principles of the Church;
  - 3.1.13 minister to human need in the name of Jesus Christ our Lord in the spirit of Christian love and service, and to provide institutions and agencies for this purpose; and
  - 3.1.14 take such action as is necessary for the protection of the congregations, pastors, teachers and other church workers in the performance of their duties and the maintenance of their rights.

#### ARTICLE 9. DISTRICTS

- 9.1 For the promotion of its Objects by its members in prescribed geographical areas, the Church shall be divided into Districts. The number and the boundaries of the Districts shall be determined by the Church in consultation, and by agreement, with the Districts concerned and be defined in the By-laws.

## SECTION 5.4 CALLS AND TRANSFERS

### PREAMBLE (EXCERPT)

5.4.1 ... the New Testament ministry is the office instituted by Christ for the public administration of the means of grace, that is, the preaching of the Gospel and the administering of the Sacraments, through which as through instruments the Holy Spirit works saving faith in the hearts of people (Matthew 10; Matthew 28:18–20; Luke 9:1–2; 1 Corinthians 3:5–7; 2 Corinthians 3:5–8; Augsburg Confession V; Formula Concordiae, Solida Declaratio XI. 29) ...

... the office of the ministry is not a human institution but one instituted by God (2 Corinthians 5:18–20; Ephesians 4:11; Acts 20:28; Apology XIII. 11);

... the procedures connected with calls and transfers shall serve, under the guidance of the Holy Spirit, towards the fulfilment of the divine promise: 'And I will give you shepherds after my own heart who shall feed you with knowledge and understanding' (Jeremiah 3:15);

... the calling of a pastor is not comparable with the purely secular procedures of employer and employee, but the acceptance of a call establishes a personal, spiritual, and sacred relationship between shepherd and flock in the Church of our Lord Jesus Christ ...

## SECTION 8.2 OFFICIALS

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#### 8.2.1 The Bishop

8.2.1.1 The Bishop by virtue of election shall

- 8.2.1.1.1 preach, teach and administer the Sacraments in accord with the Confession of the Church, exercising this ministry in congregations in consultation with the congregation and pastor concerned;
- 8.2.1.1.2 exercise oversight of the Church, promote its spiritual welfare and strive to preserve peace and order;
- 8.2.1.1.3 exercise oversight over the doctrine and practice of all pastors and congregations of the Church, doing this in association with or through the respective Bishops of the Districts;
- 8.2.1.1.4 exercise supervision over the doctrine, practice and official conduct of all officers of the Church, of all Bishops of the Districts and of all those who are elected or appointed by the Church;
- 8.2.1.1.5 ensure the pastoral care of the pastors of the Church in association with or through the respective Bishops of the Districts;
- 8.2.1.1.6 be the Official Visitor to Australian Lutheran College and as such, in fulfilment of this role, shall
  - 8.2.1.1.6.1 assure himself and thereby the Church that the teaching and practice of Australian Lutheran College is in accord with the public teaching and practice of the Church;
  - 8.2.1.1.6.2 be available to provide pastoral care to the Principal; and
  - 8.2.1.1.6.3 satisfy himself that the appropriate pastoral care is available for the staff of Australian Lutheran College;
- 8.2.1.1.7 ordain approved candidates for the Ministry and install Bishops of the Districts and all those elected or called to spiritual offices of the Church, other than the pastoral ministry;
- 8.2.1.1.8 arrange colloquies of persons seeking to enter the Ministry of the Church;

- 8.2.1.1.9 officially represent the Church in relations with other church bodies and other agencies, unless these rights have been delegated by the Church to other persons;
- 8.2.1.1.10 preside over all conventions of the General Synod, submit the Report of the Bishop and supervise the execution of all synodical resolutions;
- 8.2.1.1.11 be present at the conventions of the Synods of the Districts, or appoint a deputy, and submit the Report of the Bishop;
- 8.2.1.1.12 call and preside over meetings of the General Church Council and its Executive and the College of Bishops;
- 8.2.1.1.13 provide for the calling of pastors or any other church workers needed for the institutions and/or departments of the Church, unless such powers have been delegated by the Church to Boards, Councils or Commissions or other persons; and
- 8.2.1.1.14 be entitled to attend meetings of all the Boards, Councils, Departments, Standing Committees and Commissions of the Church and shall receive due notice of all meetings.
- 8.2.1.2 The Bishop may appoint the Assistant Bishop, the Secretary or another person to act as the Bishop's deputy.
- 8.2.1.3 8.2.1.3.1 A Bishop-elect shall normally assume office three [3] months after being elected.
- 8.2.1.3.2 Before a Bishop-elect assumes office, the outgoing Bishop shall
  - 8.2.1.3.2.1 continue as Bishop;
  - 8.2.1.3.2.2 use the intervening period to settle the affairs of the administration; and
  - 8.2.1.3.2.3 assist the Bishop-elect to become acquainted with the duties and responsibilities of the office.

#### **SECTION 8.4 THE GENERAL CHURCH COUNCIL**

- 8.4.1 The duties of the General Church Council shall be to
  - 8.4.1.1 implement the program of the Church in accordance with the policies established by the General Synod;
  - 8.4.1.2 ensure that the mission of the Church, the proclamation of the Gospel of Christ, remains central in the work of the Church;
  - 8.4.1.3 ensure that all phases of the work of the Church are efficiently planned, coordinated, and controlled;
  - 8.4.1.4 receive the reports submitted at least annually by the boards of the Church, and pursuant to Article 8.3.2 of the Constitution to make any necessary decisions thereon subject to any policy or decisions laid down by the General Synod;
  - 8.4.1.5 review the reports of the boards to the General Synod and submit recommendations for coordinated action to the General Synod;
  - 8.4.1.6 initiate research into any sphere of activity with a view to achieving greater efficiency in the promotion of the Objects of the Church;
  - 8.4.1.7 appoint executive officers as required;
  - 8.4.1.8 submit the budget of the Church to the General Synod for consideration and adoption according to the policy laid down by the Church, and to adopt the budget of the Church in a year when the General Synod is not convened;
  - 8.4.1.9 appoint the Auditor of the Church;
  - 8.4.1.10 authorise proposals by a board regarding the number of office staff;
  - 8.4.1.11 appoint such sub-committees and delegate such powers as it sees fit;
  - 8.4.1.12 define from time to time the specific areas of responsibility of the Bishop and Assistant Bishop;

- 8.4.1.13 fill any vacancy in any office or on any Board, Council, Department, Standing Committee or Commission, except when such vacancy occurs within three months of the next regular convention of the General Synod;
  - 8.4.1.14 remove any Official, officer or member of a Board, Council, Department, Standing Committee or Commission from office during the term if, in its considered judgment, the said person becomes incapable or unworthy of holding office, and to fill the vacancy created until the next regular convention of the General Synod;
  - 8.4.1.15 determine any interim arrangements that may be necessary following the election of a full-time Official of the Church at a convention of the General Synod; and
  - 8.4.1.16 approve any alteration to the By-laws of the Church or the rules governing any board or fund of the Church made necessary by any resolution of the General Synod, as prepared by the Standing Committee on Constitutions.
- 8.4.2 8.4.2.1 In reference to finance its duties shall be to
- 8.4.2.1.1 ensure that all moneys collected by or payable to the Church are banked promptly into such banks or other institutions as are approved by the Church and that such moneys are properly accounted for and recorded in the accounting records of the Church. In this respect it shall have oversight of the work performed on behalf of the Church by any person or organisation to whom such work has been delegated by the Church, including a Central Treasury Service;
  - 8.4.2.1.2 ensure that recurring expenses and charges are paid in accordance with adopted budgets of the Church, and other moneys only withdrawn upon a specific resolution;
  - 8.4.2.1.3 receive reports on the state of the finances of the Church, including moneys received and payments made, on a regular basis, and present such reports to the Bishop when so required;
  - 8.4.2.1.4 prepare financial statements for publication or submission to the regular convention of the General Synod;
  - 8.4.2.1.5 submit financial records and statements to the Auditor for examination at least annually, or when it otherwise deems necessary;
  - 8.4.2.1.6 insure the insurable property of the Church as determined by resolution of the Council;
  - 8.4.2.1.7 have general oversight over all matters relating to the property of the Church; and
  - 8.4.2.1.8 have the right to appoint an advisory committee to give advice and professional guidance on financial issues.
- 8.4.2.2 In reference to the LCA Pensions Fund its duties shall be to
- 8.4.2.2.1 administer the funds entrusted to its control in accordance with the policy laid down by the General Synod;
  - 8.4.2.2.2 keep itself informed on matters relating to pensions, benefit schemes and social services, and at its discretion submit to the General Synod any amendments to the policy of the Church;
  - 8.4.2.2.3 recommend to the General Synod the scale of benefits and contributions applicable to any or all of the funds;
  - 8.4.2.2.4 set up the procedures and provide any forms necessary for the payment of benefits from the funds;
  - 8.4.2.2.5 investigate any applications for assistance not ordinarily covered by the regulations and make recommendations; and
  - 8.4.2.2.6 regulate and arrange the rest and refreshment leave/long-service leave of church workers.