

03 MAY 2019

CONSTITUTION

Lutheran Church of Australia, Western Australia District Incorporated

A District of the Lutheran Church of Australia

Accepted by the District on:2nd March 2019.....

Printed:BISHOP MICHAEL FULWOOD..... Signed:
Bishop

Printed:LESTER DRECKOW.....Signed:
Secretary

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Note 1: Article 9.2 of the Constitution of the Church 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 2: Section 11.3 of the By-laws of the Church states:

The Constitution and By-laws Part A of Districts laid down by the Church in pursuance of Article 9.2 of the Constitution of the Church are By-laws of the Church.

Note 3: The Constitution and By-laws of the Lutheran Church of Australia, Western Australia District were originally published in the official report of the Constituting Convention of the First Synod (1967).

Note 4: The District became a legally incorporated body on the 17th of April 1968.

CONSTITUTION

Article 1. NAME AND INTERPRETATION

- 1.1 The name of the District is LUTHERAN CHURCH OF AUSTRALIA, WESTERN AUSTRALIA DISTRICT INCORPORATED.
- 1.2 In this Constitution, unless the context or subject matter otherwise requires:
- 1.2.1 **'Act'** means the Associations Incorporation Act 2015 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;
- 1.2.2 **'Church'** means the Lutheran Church of Australia Incorporated;
- 1.2.3 **'Church Council'** means the elected committee of the District to administer the affairs of the District;
- 1.2.4 **'church worker'** means any person within the District whose name is listed on the Register of Church Workers provided for in the Constitution of the Church;
- 1.2.5 **'congregation'** means a group of persons 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;
- 1.2.6 **'District'** means the Lutheran Church of Australia, Western Australia District Incorporated;
- 1.2.7 **'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;
- 1.2.8 **'financial year'** means the year ending 31 December;
- 1.2.9 **'lay member'** means any member of a congregation of the District other than a pastor;
- 1.2.10 **'member-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;
- 1.2.11 **'members of the Ministry'** means the pastors of the Church, including the pastors emeriti, resident within the District, whose names are recorded on the Roll of Pastors;
- 1.2.12 **'parish'** means a congregation or a group of congregations forming an entity which is served by one or more pastors;
- 1.2.13 **'pastor'** means any person ordained to the Holy Ministry according to the rites and practice of the Evangelical Lutheran Church who has been received into the Ministry of the Church according to Article 5.1;
- 1.2.14 **'teacher'** means any pastor or lay member called or appointed by the District or any of its member-congregations to serve on the teaching staff of a school or educational institution established and maintained by the District or member-congregation; and
- 1.2.15 words importing the singular number shall be deemed to include the plural number.

Article 2. CONFESSION

- 2.1 The District accepts the Confession of the Church, and as such it
- 2.1.1 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; and
 - 2.1.2 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 3. OBJECTS

- 3.1 The District accepts the Objects of the Church and shall promote them within its assigned area. These Objects 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 provide institutions and agencies for this purpose; and
 - 3.1.14 maintain and promote a culture of care in all areas of the Church and its activities, so that all people, especially the vulnerable such as children and the

aged, are protected against any form of spiritual, emotional, physical and sexual abuse by ensuring that

- 3.1.14.1 appropriate governance and leadership structures are in place;
- 3.1.14.2 policies and procedures are appropriately prescribed;
- 3.1.14.3 a culture of safety and care for children and all people is actively encouraged and practiced; and
- 3.1.14.4 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.

3.2 Not-for-Profit

- 3.2.1 The property and income of the District shall be applied solely towards the promotion of the objects or purposes of the Church and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the District, except in good faith in the promotion of those objects or purposes.
- 3.2.2 A payment may be made to a member out of the funds of the District only if it is authorised under the following clause 3.2.3.
- 3.2.3 A payment to a member out of the funds of the District is authorised if it is
 - 3.2.3.1 the payment in good faith to the member as reasonable remuneration for any services provided to the District, or for goods supplied to the District, in the ordinary course of business; or
 - 3.2.3.2 the payment of interest, on money borrowed by the District from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - 3.2.3.3 the payment of reasonable rent to the member for premises leased by the member to the District; or
 - 3.2.3.4 the reimbursement of reasonable expenses properly incurred by the member on behalf of the District; or
 - 3.2.3.5 making a payment or providing a benefit to a member in carrying out the objects of the District for charitable purposes.

Article 4. MEMBERSHIP

4.1 The membership of the District shall include

- 4.1.1 member-congregations of baptised members in the assigned area of the District which shall
 - 4.1.1.1 accept and hold the Confession of the Church;
 - 4.1.1.2 accept the Constitution of the Church and the District;
 - 4.1.1.3 submit a Constitution acceptable to the Church and the District; and
 - 4.1.1.4 undertake to participate in the work of the Church and the District and to promote their Objects.
- 4.1.2 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.

4.2 Such member-congregations and other bodies 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 7.2.1.

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- 4.3 Membership in the Church may be terminated by action of a member-congregation or by action of the Church, as prescribed by the Constitution of the Church.
- 4.4 A member-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 its Constitution in consequence of any such termination of membership.
- 4.5 Reception into Membership
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
- 4.5.1 accepts and holds the Confession of the Church;
 - 4.5.2 accepts the Constitution of the Church and of the District;
 - 4.5.3 undertakes to participate in the program and work of the Church and of the District;
 - 4.5.4 agrees that where it cannot reach an amicable settlement on question of ownership or control of any of its property, it shall in keeping with 1 Corinthians 6 make every effort to avoid action in the civil courts by first seriously seeking to settle any differences through the mediation and adjudication of the judicial system of the Church; and
 - 4.5.5 agrees to submit to the Bishop of the District any amendments, alterations, additions, and repeals which it may make from time to time to its constitution, for determination by the Church Council of the District that the amended constitution remains in conformity with Article 4.1 of the Constitution of the Church.
- 4.6 Upon receipt of an acceptable application for membership the Bishop of the District with the approval of the Church Council shall admit the congregation into membership in the Church subject to ratification by the Synod. The Bishop shall notify the Secretary of the Church, whereupon the congregation shall be added to the official Roll of Congregations.
- 4.7 Withdrawal from Membership
A member-congregation may withdraw from membership in the Church by adopting the following procedure:
- 4.7.1 The resolution of a member-congregation indicating the desire to withdraw must be adopted at a legally constituted meeting of the Congregation by at least a two-thirds majority of all the voting members of the Congregation, and shall be submitted to the Bishop of the District within fourteen [14] days of adoption.
 - 4.7.2 The Bishop of the District or the Bishop's appointed representative shall negotiate with the Congregation for at least ninety [90] days after receipt of the resolution.
 - 4.7.3 After such negotiation the formal and final vote shall be taken at a legally constituted meeting of the Congregation, the purpose of which has been published and at which the Bishop of the District or the Bishop's representative shall be present.

- 4.7.4 The final motion to withdraw shall require a majority of at least two-thirds of all the voting members of the Congregation. If it is resolved in the affirmative, a copy of the resolution shall be forwarded to the Bishop of the District, and upon its receipt the membership of the Congregation in the Church shall terminate. The Bishop shall forward notice of withdrawal to the Secretary of the Church, who shall publish it in the official publication of the Church.
- 4.7.5 In the event of a group of members of the Congregation resolving to remain in membership with the Church, the question of any equitable distribution of property rights shall be referred to the judicial system of the Church.

4.8 Preaching Centres

The District recognises the existence of groups of persons adhering to the Lutheran Faith who regularly meet for the administration of the Means of Grace but who have not constituted themselves as an organised body by the adoption of a constitution. Such a group of persons has the status of being a preaching centre. The District recognises that a preaching centre has the same spiritual privileges and responsibilities as a congregation, and those who belong to a preaching centre are regarded as persons belonging to the District. However, a preaching centre does not hold membership in the District as defined in Article 4.1 of this Constitution.

Article 5. THE MINISTRY

- 5.1 The District recognises and upholds the Office of the Ministry as the office divinely instituted for the public administration of the Means of Grace as defined and described in the Constitution of the Church.
- 5.2 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.
- 5.2.1 The duties of the Pastors' Conference shall be to
- 5.2.1.1 give guidance in matters of doctrine and confession;
 - 5.2.1.2 foster theological studies by all members of the Ministry;
 - 5.2.1.3 stimulate and give guidance to the members of the Ministry in the work of their calling;
 - 5.2.1.4 foster fellowship between the members of the Ministry;
 - 5.2.1.5 consider matters relating to the well-being of the Church and of the District in particular; and
 - 5.2.1.6 make nominations for the position of Bishop and Assistant Bishop.

Article 6. AUTHORITY AND POWERS

- 6.1 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

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Objects as set forth in this Constitution, and to perform such other acts as may be incidental thereto.

- 6.2 The District, in accordance with the provisions of the Constitution of the Church and this Constitution, shall have authority and power, as conferred by Section 14 of the Act, to make rules and regulations for the administration of its affairs.
- 6.3 The District shall have power to delegate the exercise of its authority to such persons and in such manner as it may deem advisable.
- 6.4 The powers of the District shall include without limitation the power to
- 6.4.1 acquire, hold, deal with and dispose of any real or personal property;
 - 6.4.2 administer any property on trust;
 - 6.4.3 open and operate bank accounts;
 - 6.4.4 invest its monies
 - 6.4.4.1 in the manner in which trust funds may be invested under Part III of the Trustees Act 1962; or
 - 6.4.4.2 in any other manner approved by the District;
 - 6.4.5 borrow money upon such terms and conditions as the District shall think fit;
 - 6.4.6 give such security for the discharge of liabilities incurred by the District as the District shall think fit;
 - 6.4.7 appoint agents to transact any business of the District on its behalf; and
 - 6.4.8 enter into any other contract, arrangement or understanding it considers necessary or desirable.
- 6.5 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.
- 6.6 The jurisdiction of the District over the member-congregation shall, subject to this Constitution, include the following rights:
- 6.6.1 to ensure faithful adherence to the Confession of the Church;
 - 6.6.2 to apply discipline when departure from the doctrine of the Church is evident;
 - 6.6.3 to enlist wholehearted cooperation in the program approved by the Church or the District in the fulfilment of its Objects; and
 - 6.6.4 to take action when persistent disregard of the resolutions of the Church or the District is evident;
- but it shall not include power over the purely internal administration of a member-congregation, or power over the property of a member-congregation, except to the extent that the District has granted or lent money to such member-congregation or otherwise holds any interest in the property of such member-congregation.

Article 7. THE SYNOD

- 7.1 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.

- 7.2 The Synod shall consist of
- 7.2.1 lay delegates of the member-congregations who are elected by their respective congregations from their voting members according to the representation prescribed in the following clause 7.10.1;
 - 7.2.2 members of the Ministry of the District;
 - 7.2.3 members of the Church Council;
 - 7.2.4 principals of secondary schools in the District; and
 - 7.2.5 chairpersons of Standing Committees of the District; who shall comprise the voting members, known as 'delegates'.
- 7.3 7.3.1 All lay delegates 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.
- 7.3.2 The members of the Ministry shall serve for such time as their names are recorded on the Roll of Pastors.
- 7.3.3 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.
- 7.4 Casual vacancies may be filled by the body having the right of election or appointment to the position in respect of which the vacancy exists or arises. The person elected or appointed to fill a vacancy shall hold office for the balance of the term of the membership that needs to be filled.
- 7.5 Such other persons as may be prescribed in the following clause 7.11 shall be entitled to attend meetings of the Synod as consultants without any right to vote.
- 7.6 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 following clause 7.10.4 to exercise that right.
- 7.7 The length of the synodical term shall be one [1] year or such other period as may from time to time be prescribed.
- 7.8 Convening of the Synod
- 7.8.1 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 and shall ordinarily be held in the month of March, or as near as possible to that time as arranged by the Church Council and the inviting congregation or congregations.
 - 7.8.2 Notice of a regular convention shall be published by the Secretary in the official publication of the Church at least three [3] months before the appointed date.
 - 7.8.3 Notice of a special convention shall be published by the Secretary in the official publication of the Church at least four [4] weeks before such convention.
 - 7.8.4 The agenda, setting out details of the matters to be dealt with at the regular Convention and the reports of Councils, Standing Committees, and Commissions of the District shall be forwarded by the Secretary to all voting

members at least three [3] weeks before the date of the holding of such convention. Late proposals in writing and handed to the Secretary before the first business session may be accepted by Synod and placed on the agenda. At its discretion Synod may admit new business during its sessions.

7.8.5 The agenda for a special convention shall be forwarded to all voting members at least one [1] week before the date of such convention.

7.8.6 Each accredited Auxiliary of the Church within the District shall submit an annual report of its activities to the regular Convention through the Church Council.

7.9 Special Conventions

7.9.1 A special convention of the Synod

7.9.1.1 may be convened by the Bishop with the consent of the Church Council;

7.9.1.2 shall be convened by the Bishop at the request of the Church Council; and

7.9.1.3 shall be convened at the request of at least fifteen [15] percent of the eligible delegates of the Synod.

~~7.9.2 Notice of a special convention stating its purpose shall be given to the members of the Synod by the Secretary at least one [1] week before the date of such convention.~~

7.9.2 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 accordance with the following procedure:

7.9.2.1 The Church Council shall formulate a proposed motion and shall forward it to all synod delegates. All material pertaining to the proposed motion shall be forwarded to the secretary of each congregation for distribution to the lay delegates of the congregation and forwarded directly to other eligible delegates.

7.9.2.2 A brief statement giving reasons for and against the proposed motion shall be prepared by the Church Council and shall accompany the proposed motion.

7.9.2.3 Voting shall be by ballot on the ballot paper provided. The ballots shall be returned separately by each delegate to the Secretary of the District in an envelope provided. The date and hour of the closure shall be stipulated by the Church Council.

7.9.2.4 The Secretary shall ensure that all ballot papers are held securely until counting.

7.9.2.5 The Church Council shall appoint a committee of three [3] members to count the votes. The committee shall meet at the time of the closing of the ballot to place all ballot papers without scrutiny into a pile after which all votes shall be counted.

7.9.2.6 The result of the ballot shall be conveyed by the committee to the Bishop of the District, who shall officially publish the result, indicating the number of votes cast in the affirmative and in the negative.

7.10 Representation in the Synod

7.10.1 Each congregation shall be entitled to representation in the Synod in the

following ratio:

- 7.10.1.1 one [1] lay delegate for up to twenty five [25] confirmed members;
 - 7.10.1.2 two [2] lay delegates for from twenty six [26] to fifty [50] confirmed members;
 - 7.10.1.3 three [3] lay delegates for from fifty one [51] to one hundred [100] confirmed members;
 - 7.10.1.4 four [4] lay delegates from one hundred and one [101] to one hundred and fifty [150] confirmed members; and
 - 7.10.1.5 one [1] lay delegate for the next and each additional one hundred [100] confirmed members or part thereof, with a maximum of eight [8] lay delegates for any one [1] congregation.
- 7.10.2 Lay delegates shall be voting members in the congregation they represent, other than with respect to the provisions of the following clause 7.10.4.
- 7.10.3 Secretaries shall forward in writing the names and addresses of lay delegates of their congregation to the Secretary of the District.
- 7.10.4 When an elected lay-delegate cannot attend a convention of the Synod and the congregation cannot find a substitute from its midst, the congregation may appoint a voting member from another congregation of the District to act as the alternate for its elected lay delegate at such convention and shall inform the District Secretary accordingly.
- 7.10.5 An alternate shall have authority to represent only one lay delegate at any time.
- 7.10.6 One-half plus one of the persons entitled to vote shall form a quorum at any convention.
- 7.11 Subject to this Constitution, the Synod may determine its own procedure and as such, may allow the following:
- 7.11.1 The Bishop of the Church, or any other representatives 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.
 - 7.11.2 Voting members of the member-congregations of the District, not being delegates, may take part in discussion, but do not have the right to vote. Other visitors may attend, but may speak only with the permission of the Chairperson.
- 7.12 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.
- 7.13 The following shall be entitled to submit matters for discussion at the convention of the Synod of the District:
- 7.13.1 any member-congregation;
 - 7.13.2 any parish;
 - 7.13.3 any Standing Committee, Council, and Commission of the District, provided the matter is within its terms of reference;
 - 7.13.4 the District Pastors' Conference;
 - 7.13.5 the Church Council, or its Executive; or
 - 7.13.6 the General Church Board of the Church, or its Executive.

7.14 Procedure In Transacting Business

- 7.14.1 The business of a convention of the District Synod shall be chaired by the Bishop, or at the Bishop's request, the Assistant Bishop or, with the consent of the convention, a lay person may be elected.
- 7.14.2 The Chairperson shall ensure that a quorum is present at all times.
- 7.14.3 In addition to the voting members and the consultants, the right to speak may be exercised by recognised official visitors, by any additional members of the teaching staff of Australian Lutheran College present, and, when the reports of a board are before the convention, by any member of the respective board. Any other member of the District present who desires to speak may do so at the discretion of the Chairperson.
- 7.14.4 Persons entitled to speak and desiring to exercise such right shall ask for the floor by raising their hand or otherwise indicating to the Chairperson their desire to speak, and when called upon to speak they shall stand and address themselves to the chair. No interruption to speech shall be permitted, except upon a question of order.
- 7.14.5 All proposals on the Agenda shall be placed before the convention for discussion and decision, unless withdrawn.
- 7.14.6 All reports published in the official book of reports or in supplements thereto shall be regarded as received by the convention by virtue of that fact.
- 7.14.7 A motion or amendment, including any proposal stemming from the reports of councils or boards, may be discussed and voted on only after it has been moved and seconded by a delegate.
- 7.14.8 At the request of the mover and seconder, and with the consent of the convention, a motion or an amendment may be withdrawn.
- 7.14.9 A proposal which has not been moved may be withdrawn by the body from which it originated. A proposal which has been printed in the agenda of the convention, but which has not been moved, may be withdrawn by the body from which it originated, with the consent of the convention.
- 7.14.10 Only one amendment to a motion shall be before the chair at any time. After the same has been agreed to or rejected another amendment may be moved. Notice of further amendment may be given at any time.
- 7.14.11 Every amendment shall be relevant to the motion to which it refers.
- 7.14.12 Proposers of amendments and of any motions not previously printed shall submit them to the Chairperson in writing either in advance, whenever possible, or when requested to do so by the Chairperson.

- 7.14.13 Those taking part in a debate shall be limited to one [1] speech on a motion or amendment, except to clear up misunderstanding or in exercising the right of reply, or except the meeting grant permission.
- 7.14.14 A right of reply is only allowed to the mover of the original motion. It concludes the debate unless there are one or more amendments, in which case it may be exercised at the conclusion of the debate on the first amendment.
- 7.14.15 Seconded amendments are new questions and persons who have spoken to the motion shall be permitted to speak again.
- 7.14.16 The mover of any motion shall be permitted to speak for five [5] minutes, and three [3] minutes shall be the limit for all other speakers unless a resolution granting extension of time be granted by the convention.
- 7.14.17 The Chairperson shall give ample opportunity for speakers for and against a motion or an amendment to be heard and if there are no speakers against, it shall be put without the right of reply.
- 7.14.18 As a general rule motions and amendments shall be read before a vote is taken, and the Chairperson shall if necessary briefly explain their meaning.
- 7.14.19 No motion may be brought forward which is the same in substance as a matter which has already been resolved by the convention unless a motion calling for a reconsideration of the matter previously decided is moved and seconded by persons who voted with the majority when the matter was originally put. If the motion to reconsider is carried the previous vote is thereby cancelled, and the original motion is again before the convention in the form in which it was put to the vote. A matter may be reconsidered only once at the same convention.
- 7.14.20 A motion shall be decided by a show of hands unless a ballot is required by the Chairperson or demanded by a delegate and granted by resolution of the convention. In the event of a disagreement as to the result of the vote, a recount or second vote may be demanded.
- 7.14.21 If in the opinion of any delegate an irregularity of procedure occurs the delegate may immediately without asking permission from the chair rise to a 'point of order' and shall be heard forthwith. The delegate shall explain the point of order clearly and briefly without introducing new matter. The Chairperson shall decide either to uphold or disallow the point raised, and it shall not be debated unless an appeal be made against the ruling of the Chairperson.
- 7.14.22 Deference shall be paid to the Chairperson's authority. All present shall be seated whenever the Chairperson rises to speak, and the Chairperson shall be heard without interruption, except when a point of order is raised.

- 7.14.23 The Chairperson may call attention to continued irrelevance or tedious repetition on the part of a speaker, and may direct the speaker to cease speaking.
- 7.14.24 If disorder should arise the Chairperson may announce an adjournment of the convention and leave the chair, and by that action the convention is immediately adjourned for a period that shall not exceed one-half hour.
- 7.14.25 The Chairperson may speak briefly for the purpose of giving some desired or necessary information. If, however, the Chairperson wishes to take an active part in a debate, a Assistant Bishop or some other appointed person shall take the chair.
- 7.14.26 The Chairperson may determine when a vote is to be taken.
- 7.14.26.1 During a debate the Chairperson may seek an indication of readiness to vote. If there is an indication of a significant or high number of possible abstentions from voting by reason of indecision or by absence from the meeting, the Chairperson may decide to continue the discussion or defer the motion.
- 7.14.26.2 Unless otherwise stipulated a majority of those delegates voting shall decide the motion, and in the event of an equality of votes the Chairperson shall in addition to a deliberative vote have a casting vote, or refer the motion for further discussion.
- 7.14.26.3 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.
- 7.14.27 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:
- 7.14.27.1 A motion may be superseded for that particular convention by the acceptance of either of the following motions:
‘That the debate be adjourned’;
‘That Synod proceed to the next business’.
- 7.14.27.2 A motion may be superseded for the time being by the motion ‘That the question lie on the table’. There can be a subsequent motion either at the same or a later convention to take the motion from the table.
- 7.14.27.3 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.
- 7.14.27.4 Debate on a motion or an amendment may be closed by the motion ‘That the motion be now put’. If in the opinion of the Chairperson the motion has not been sufficiently discussed, such motion may be refused.

- 7.14.28 This clause of the Constitution of the Church deals with the manner in which matters of conscience and doctrine are decided by the Church. The District is not empowered to make such decisions and therefore it is not applicable to the District.
- 7.14.29 Any of the clauses in Section 7.14 pertaining to meeting procedure may, if the need arises, be suspended in respect to any business of the convention by at least a two-thirds majority of those delegates present.
- 7.14.30 Any motions coming before the convention may be referred by the Executive of the District Church Council prior to the sessions, or by the convention during the sessions, for study and for report to the convention.
- 7.14.31 All proceedings shall be entered into a minute book, with the exception of unseconded motions or amendments.
- 7.14.32 The District shall not be bound by any statements or plans contained in a report, but only by specific resolutions on matters arising from such report and carried by the District Synod.

7.15 Nominations

The method of nominating the Bishop and thereafter in their order the Assistant Bishops of the District shall be as follows:

- 7.15.1 A Nominations Committee consisting of three [3] pastors shall be appointed by the Pastors' Conference Program Committee not less than six [6] months prior to the convention of the Synod at which the election for the office of Bishop falls due.
- 7.15.2 All pastors whose names are recorded on the Roll of Pastors of the Church are eligible for the position of District Bishop; only pastors of the District are eligible for the position of Assistant Bishop in the District.
- 7.15.3 Nomination of Bishop
- 7.15.3.1 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.

7.15.3.2 The Nominations Committee shall also advise all congregations of the District that they may, at a properly constituted meeting, propose up to two [2] names, in order of preference, for the position of District Bishop. The names of the proposed nominees shall be submitted to the Nominations Committee by the date specified by the Nominations Committee. The Nominations Committee shall inform any respective congregation on the outcome of any nominations made by it.

7.15.3.3 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 also be used to establish the list of nominees.

7.15.3.4 The list of nominees shall be presented to the Pastors' Conference held immediately prior to the regular convention of the Synod.

7.15.3.5 By preferential ballot, the list of nominees shall be reduced until there remain only those who have received at least twenty-five [25] per cent of the total votes cast, and these shall be declared to be the nominees of the Pastors' Conference for the office of Bishop.

7.15.4 Nomination of Assistant Bishop

7.15.4.1 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 Assistant Bishop

7.15.4.2 A separate nomination for the office of Assistant Bishop shall be made by ballot at the Pastors' Conference held immediately prior to the regular convention of the Synod.

7.15.4.3 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.

7.15.4.4 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.

7.15.4.5 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.

7.16 Elections

The method of electing the Bishop and thereafter the Assistant Bishops of the District shall be as follows:

7.16.1 The names of the nominees of the Pastors' Conference shall be submitted to the convention of the Synod at which such elections are to take place, and

shall stand as the list of nominees unless the convention determines by resolution after the reading of the relevant nominations that additional nomination or nominations may be made. For inclusion on the list each proposed additional nomination shall separately require a majority of those delegates present, the vote being taken by show of hands.

- 7.16.3 The provisions of the preceding Section 7.15.4.1 shall apply to any nominee whose name was added to the ballot paper by action of the convention.
- 7.16.4 The elections shall be conducted by preferential ballot prior to the reading of nominations for all other elective offices in the District.

Article 8. OFFICERS AND ADMINISTRATION

- 8.1 The Officials of the District shall be a Bishop, an Assistant Bishop, a Secretary, and a Treasurer. They shall be elected for a two [2] year term of office, and, to provide continuity, the Bishop and Assistant Bishop shall normally be elected in odd-numbered years while the Secretary and Treasurer shall normally be elected in even-numbered years. The Bishop and the Assistant Bishop shall be pastors of the Church in the District.
- 8.2 The District shall have a Church Council, which shall consist of the Bishop, the Assistant Bishop, the Secretary, the Treasurer and as many other members as it may determine in the following clause 8.12.1. The Church Council shall have authority between the Synods to make decisions within the limits prescribed in the following clause 8.12.1.
- 8.3 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 prescribed in policies and/or duty statements.
- 8.4 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 in policies and/or duty statements.
- 8.5 The District shall appoint such commissions, tribunals and other bodies and officers as it may deem necessary and shall prescribe their duties.
- 8.6 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. 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.
- 8.7 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. Any such approved auxiliary shall
- 8.7.1 operate with a constitution approved by the Synod or the Church Council of the District;
- 8.7.2 have a counsellor or spiritual advisor who shall
- 8.7.2.1 exercise spiritual oversight over the auxiliary;

- 8.7.2.2 be a member of the Executive Committee of the auxiliary in an advisory capacity;
- 8.7.2.3 give guidance and to assist in promoting the objects of the auxiliary and in planning its on-going programme; and
- 8.7.2.4 represent the interests of the Church Council and to report to it as often as required, or at least annually, and represent any other board that the Church may establish in connection with the auxiliary.

8.8 The Bishop

8.8.1 The Bishop shall

- 8.8.1.1 serve as the spiritual leader of the District and shall strive to preserve peace and order;
- 8.8.1.2 have the general oversight of all member-congregations, pastors and lay workers in the District, and in fulfilment thereof shall make or arrange for official visits to member-congregations and parishes;
- 8.8.1.3 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;
- 8.8.1.4 promote the general well-being of the Church in the District;
- 8.8.1.5 receive, as the chief administrative officer of the District, direction, guidance and counsel from the Church Council; and
- 8.8.1.6 perform such other duties as may be prescribed from time to time.

8.8.2 A Bishop-elect shall normally assume office three [3] months after being elected;

8.8.3 Before a Bishop-elect assumes office, the outgoing Bishop shall

- 8.8.3.1 continue as Bishop;
- 8.8.3.2 use the intervening period to settle the affairs of the administration; and
- 8.8.3.3 assist the Bishop-elect to become acquainted with the duties and responsibilities of the office.

8.9 The Assistant Bishop

- 8.9.1 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;
- 8.9.2 shall, by direction of the Church Council, assume office as Acting Bishop during the Bishop's sickness, absence or inability to carry out the duties of the Bishop; and
- 8.9.3 may be requested by the Bishop to act as the Bishop's deputy whenever and wherever deemed necessary.

8.10 The Secretary shall

- 8.10.1 perform those duties generally incumbent upon such an office, and as may be prescribed from time to time; and
 - 8.10.2 inform the Secretary of the Church of any changes in, or additions to, the Roll of Congregations and the Roll of Pastors.
- The Executive Secretary, where appointed, shall perform these duties.

- 8.11 The Treasurer shall
- 8.11.1 perform those duties generally incumbent upon such an office, and as may be prescribed from time to time;
 - 8.11.2 forward to the Secretary of the Church at such times as shall be determined by the General Church Board, all moneys for the Treasury of the Church; and
 - 8.11.3 forward annually to the Secretary of the Church a financial statement of all receipts and expenditure of the District.
- The Executive Secretary, where appointed, shall perform these duties.
- 8.12 The Church Council
- 8.12.1 The District shall appoint a committee of management, called the Church Council, which shall administer the affairs of the District and shall consist of
 - 8.12.1.1 the elected Bishop of the District;
 - 8.12.1.2 the elected Assistant Bishop of the District;
 - 8.12.1.3 the elected Secretary of the District;
 - 8.12.1.4 the elected Treasurer of the District;
 - 8.12.1.5 four [4] additional lay voting members of member-congregations of the District; and
 - 8.12.1.6 the Western Australia representative of Lutheran Education South Australia Northern Territory Western Australia.
 - 8.12.2 The Church Council shall
 - 8.12.2.1 ensure that the program and policies of the Church are carried out in the District;
 - 8.12.2.2 require annual reports to be submitted to it by all Standing Committees, commissions and other appointed bodies, and shall make a careful study of these reports with a view to making recommendations for action by the Synod;
 - 8.12.2.3 refrain from interfering with the administration of any particular Standing Committee as long as the respective committee is functioning within established policy;
 - 8.12.2.4 initiate research into any sphere of activity in the District with a view to achieving greater efficiency in the promotion of the Objects of the District;
 - 8.12.2.5 recommend to the Synod the budget of the District for the current year, including recommended action on the budget of the committees of the District submitted to it;
 - 8.12.2.6 submit to the Synod a proposed budget for the following synodical period;
 - 8.12.2.7 recommend to the Synod projects involving provision for major capital expenditure;
 - 8.12.2.8 recommend to the Synod a proposed program of projects involving major capital expenditure for the following synodical period or periods;
 - 8.12.2.9 take action in matters involving expenditure not covered by the budget or provided for by the Synod;
 - 8.12.2.10 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; and

- 8.12.2.11 fill casual vacancies until the next regular Convention, in accordance with the following:
 - 8.12.2.11.1 The Church Council may appoint a member who is eligible by virtue of being a voting member of a member-congregation of the District to fill a position on the Church Council that has become vacant or was not filled by election at the most recent Synod.
 - 8.12.2.11.2 Subject to the requirement for a quorum under the following clause 8.12.7, the Church Council may continue to act despite any vacancy in its membership.
 - 8.12.2.11.3 If there are fewer committee members than required for a quorum under the following clause 8.12.7, the Church Council may act only for the purpose of appointing Church Council members under this clause or convening a general meeting of the Synod.

- 8.12.3 Financial responsibility
In respect of finance, the Church Council shall
 - 8.12.3.1 review the general financial policy, study the relation of the budget and proposals for projects involving the provision of major amounts of capital to the estimated financial resources of the District, study the ratio of borrowed and gift money as used by the District;
 - 8.12.3.2 examine the financial position of the District during the year and make any necessary recommendations to the member-congregations of the District;
 - 8.12.3.3 receive from any Standing Committee its current budget and proposed budget for the following synodical period and have authority to negotiate with any committee if necessary;
 - 8.12.3.4 review proposals of committees for projects involving major capital expenditure to ascertain their financial feasibility and viability, their priority of importance and the amount of capital to be granted;
 - 8.12.3.5 receive financial statements from any committees which administer moneys allotted to them by the District;
 - 8.12.3.6 ensure that effective accounting procedures are used in the finances of the District and arrange for the auditing of the financial records of the District by the appointed auditor of the District;
 - 8.12.3.7 prescribe the accounting procedures to be followed by any committee which keeps its own books of account, and appoint an auditor of such books upon the nomination of the committee;
 - 8.12.3.8 manage such funds as are assigned to it and exercise general oversight over other funds and finances of the District; and
 - 8.12.3.9 arrange for visits to congregations for the purpose of sharing and imparting information on the finances of the Church and the District and the promotion of mission projects and Christian stewardship.

- 8.12.4 Church Council meetings
 - 8.12.4.1 The Church Council shall meet at least three [3] times in each year

- on the dates and at the times and places determined by the Church Council.
- 8.12.4.2 The date, time and place of the first Church Council meeting must be determined by the committee members as soon as practicable after the Convention at which the Church Council members are elected.
- 8.12.4.3 Special Church Council meetings may be convened by the chairperson or any two [2] Church Council members.
- 8.12.5 Notice of Church Council meetings
- 8.12.5.1 Notice of each Church Council meeting must be given to each Church Council member at least forty eight [48] hours before the time of the meeting.
- 8.12.5.2 The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- 8.12.5.3 Subject to the following clause 8.12.5.4, the only business that may be conducted at the meeting is the business described in the notice.
- 8.12.5.4 Urgent business that has not been described in the notice may be conducted at the meeting if the Church Council members at the meeting unanimously agree to treat that business as urgent.
- 8.12.6 Procedure and order of business
- 8.12.6.1 The Chairperson or, in the Chairperson's absence, the Vice-Chairperson must preside as chairperson of each Church Council meeting.
- 8.12.6.2 If the Chairperson and Vice-Chairperson are absent or are unwilling to act as chairperson of a meeting, the Church Council members at the meeting must choose one of them to act as the chairperson of the meeting.
- 8.12.6.3 The procedure to be followed at a Church Council meeting must be determined from time to time by the committee.
- 8.12.6.4 The order of business at a Church Council meeting may be determined by the Church Council members at the meeting.
- 8.12.6.5 A member or other person who is not a Church Council member may attend a Church Council meeting if invited to do so by the committee.
- 8.12.7 Use of technology to be present at Church Council meetings
- 8.12.7.1 The presence of a Church Council member at a Church Council meeting need not be by attendance in person but may be by that Church Council member and each other Church Council member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- 8.12.7.2 A member who participates in a Church Council meeting according to the preceding clause 8.12.7.1 is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.
- 8.12.8 Quorum for Church Council meetings

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- 8.12.8.1 A quorum for Church Council meetings shall be a majority of its members.
- 8.12.8.2 Subject to the preceding clause 8.12.2.11, no business is to be conducted at a Church Council meeting unless a quorum is present.
- 8.12.8.3 If a quorum is not present within thirty [30] minutes after the notified commencement time of a Church Council meeting
 - 8.12.8.3.1 in the case of a special meeting, the meeting lapses; or
 - 8.12.8.3.2 otherwise, the meeting is adjourned to the same time, day and place in the following week.

8.12.9 Minutes of Church Council meetings

- 8.12.9.1 The Church Council must ensure that minutes are taken and kept of each Church Council meeting.
- 8.12.9.2 The minutes must record the following:
 - 8.12.9.2.1 the names of the Church Council members present at the meeting;
 - 8.12.9.2.2 the name of any other person attending the meeting;
 - 8.12.9.2.3 the business considered at the meeting; and
 - 8.12.9.2.4 any motion on which a vote is taken at the meeting and the result of the vote.
- 8.12.9.3 The minutes of a Church Council meeting must be entered in the minute book of the Church Council within thirty [30] days after the meeting is held.
- 8.12.9.4 The chairperson must ensure that the minutes of a Church Council meeting are reviewed and signed as correct by
 - 8.12.9.4.1 the chairperson of the meeting; or
 - 8.12.9.4.2 the chairperson of the next Church Council meeting.
- 8.12.9.5 When the minutes of a Church Council meeting have been signed as correct they are, until the contrary is proved, evidence that
 - 8.12.9.5.1 the meeting to which the minutes relate was duly convened and held; and
 - 8.12.9.5.2 the matters recorded as having taken place at the meeting took place as recorded; and
 - 8.12.9.5.3 any appointment purportedly made at the meeting was validly made.

8.13 Auditor

- 8.13.1. The Church Council shall appoint a qualified auditor who shall perform those duties as prescribed in the following clause 8.13.2 or as may be required by the Church Council.
- 8.13.2 The duties of the Auditor shall include the following:
 - 8.13.2.1 to see that the books and accounts of the District are kept in the form and manner required by Church Council;
 - 8.13.2.2 to conduct an annual financial audit, and report thereon; and
 - 8.13.2.3 when required by the Church Council to audit the books and accounts of any fund under the control of the District.

8.14 Officers and Committees

The election of officers and committees shall be undertaken in the following manner:

- 8.14.1 The District shall appoint a Nominations Committee which shall consist of three [3] voting members of member-congregations who shall serve for a three [3] year term.
- 8.14.2 The Nominations Committee shall
- 8.14.2.1 consult all committees in good time to learn of possible vacancies and to solicit from the respective committees their nominations;
 - 8.14.2.2 receive from officers intending to decline re-election an indication of such intention in good time;
 - 8.14.2.3 seek and receive nominations for all offices and committees of the District;
 - 8.14.2.4 nominate such persons as it considers suitable for the various offices and committees in addition to the nominations received but without the necessity of nominating more candidates than positions to be filled;
 - 8.14.2.5 ensure that all nominees are eligible and willing to accept office; and
 - 8.14.2.6 present a list of candidates for all positions to the Convention at which the elections are to be conducted.
- 8.14.3 Additional nominations may be made by any voting member at the Convention, provided that the consent of the person nominated has been obtained.
- 8.14.4 Where there are more nominations for any position than the required number to fill such position, an election by ballot shall be conducted.
- 8.14.5 The newly elected officers and committee members shall assume their duties at the conclusion of the Convention.
- 8.14.6 All voting members of the member-congregations shall be eligible for positions on standing committees.
- 8.14.7 All voting members of the member-congregations shall be eligible for appointment to such other committees and special duties as the Synod may determine from time to time.
- 8.14.8 No person shall ordinarily be a chairperson of more than one [1] standing committee at the same time.
- 8.14.9 The District shall appoint such other officers, committees and persons and establish auxiliaries as need and occasion require for the proper conduct of its affairs as prescribed or as determined from time to time by resolution of the Convention.
- 8.14.10 All officers and committee members shall serve from the commencement of the regular Convention of the District Synod to the commencement of the next regular Convention of the District Synod, and shall be eligible for re-election or re-appointment.
- 8.14.11 A person ceases to be a committee member if the person
- 8.14.11.1 dies or otherwise ceases to be a member; or
 - 8.14.11.2 resigns from the committee or is removed from office; or
 - 8.14.11.3 becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act; or
 - 8.14.11.4 becomes permanently unable to act as a committee member because of a mental or physical disability; or
 - 8.14.11.5 fails to attend three [3] consecutive Committee meetings, of which the person has been given notice, without having notified the Committee that the person will be unable to attend.

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- 8.14.12 All minute books, records, and correspondence of the Synod, its officers and committees, shall remain the property of the Synod.
- 8.14.13 The Bishop, by virtue of his office, shall have the right to attend all meetings of the committees.

8.15 Executive Offices of Committees

- 8.15.1 Any full-time executive office for a committee of the District shall be established by the regular Convention of the District Synod. Recommendations regarding the establishment of any such office may be made by the relevant committee and shall be made through the Church Council.
- 8.15.2 The term 'executive officer' shall mean the person filling any full-time executive office. The title given to any executive officer shall be determined by the Church Council.
- 8.15.3 An executive officer shall be appointed for three[3] years, unless otherwise determined by the Synod, and shall be eligible for re-appointment.
- 8.15.4 The duties of the executive officer shall be defined by the relevant committee and be approved by the Church Council.
- 8.15.5 An executive officer shall work within the policies and under the direction of the relevant committee.

8.16 Inspection of records and documents

- 8.16.1 A member-congregation wishing to inspect the register of member-congregations, the record of the names and addresses of Church Council members or any other record or document of the District must contact the Secretary to make the necessary arrangements for the inspection and may do so free of charge.
- 8.16.2 If the member-congregation wants to inspect a document that records the minutes of a Church Council meeting, the right to inspect that document is subject to any decision the Church Council has made about minutes of Church Council meetings generally, or the minutes of a specific Church Council meeting, being available for inspection by member-congregations.
- 8.16.3 The member-congregation may make a copy of or take an extract from a record or document of the District but does not have a right to remove the record or document for that purpose and must not use or disclose information in such record or document except for a purpose
 - 8.16.3.1 that is directly connected with the affairs of the District; or
 - 8.16.3.2 that is related to complying with a requirement of the Act.

8.17 Public Officer

- 8.17.1 The District shall appoint a Public Officer who shall hold office for such time as the District decides.
- 8.17.2 The Public Officer shall not be eligible for the position of auditor of the District.

8.18 Sealholders

- 8.18.1 The District shall appoint four [4] Sealholders.
- 8.18.2 The Seal of the District may only be affixed to a document by resolution of the Church Council.
- 8.18.3 All documents requiring the affixing of the Seal shall be signed by the

- 8.18.4 Chairperson or the Secretary of the Church Council and two [2] Sealholders.
The Seal shall be kept in the District Office.

Article 9. ZONES

- 9.1 The District may be divided into Zones whose territorial boundaries shall be fixed by the District and may be altered by it.
- 9.2 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.
- 9.3 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.
- 9.4 The purposes of a Zone Conference shall be to
- 9.4.1 strengthen the ties of fellowship between the congregations;
 - 9.4.2 stimulate interest in spiritual matters by joint study;
 - 9.4.3 receive information regarding the program and work of the Church; and
 - 9.4.4 discuss important matters of Zone, District or Church interest.
- 9.5 The functions of the Zone Counsellor shall be to
- 9.5.1 exercise general oversight over the spiritual well-being of the pastors and congregations in the Zone;
 - 9.5.2 promote the program of the Church in the Zone; and
 - 9.5.3 advise the Bishop of the District regarding the progress of the work of the Church in the Zone.

Article 10. DISCIPLINE, ADJUDICATION AND APPEALS

- 10.1 Ecclesiastical discipline shall be exercised in the District
- 10.1.1 by a congregation against any one of its members who evidently departs from the Confession of the Church, or who manifestly leads an ungodly life;
 - 10.1.2 by those to whom such authority is given in the Constitution of the Church against a pastor, teacher, or other church worker if the said pastor, teacher, or church worker
 - 10.1.2.1 departs from the Confession of the Church; or
 - 10.1.2.2 is manifestly guilty of ungodly actions or life; or
 - 10.1.2.3 persistently disregards the Constitution, rules and resolutions of the Church;
 - 10.1.3 by those to whom such authority is given by the Church against a congregation
 - 10.1.3.1 if it departs from the Confession of the Church; or
 - 10.1.3.2 if it refuses to exercise discipline against its members, or pastor, or teacher, or other church worker; or
 - 10.1.3.3 if it persistently disregards the Constitution, rules and resolutions of the Church or of the District.
- 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 Constitution of the Church.

- 10.2 The District shall have the authority within its area to adjudicate upon matters
- 10.2.1 which pertain to the interpretation of its Constitution, rules or regulations;
 - 10.2.2 which are in dispute between congregations of the Church and the Districts or the Church, or between congregations, or between pastors, or between pastors and congregations, or between pastors, teachers or other church workers and standing committees; and
 - 10.2.3 which are submitted to the District and accepted by it for adjudication.
- 10.3 The Church and the District together shall establish a judicial system to deal with discipline and adjudication. The rules governing such judicial system shall be laid down in the Constitution of the Church and shall be applicable within the District.
- 10.4 The following procedure shall be followed in relation to dealing with any dispute under or relating to these rules:
- 10.4.1 The parties to the dispute shall seek to resolve the issue themselves.
 - 10.4.2 The Church Council shall consider the matter and determine a resolution if the parties are not able to resolve the matter themselves.
 - 10.4.3 A mediator may be appointed to assist in this process.
 - 10.4.4 The procedure must give each party to the dispute an opportunity to be heard on the matter to ensure the best possibility for an unbiased outcome to be determined.

Article 11. DISSOLUTION

- 11.1 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.
- 11.2 Action initiated by the Church
- 11.2.1 For any action referred to in the preceding clause 11.1 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. Upon an agreement in principle, the matter shall proceed to a General Synod for approval.
 - 11.2.2 Any decision for any action referred to in the preceding clause 11.1 shall be made by the Church according to the following procedure:
 - 11.2.2.1 Notice of a motion specifying such action shall be given to the delegates of the General Synod.
 - 11.2.2.2 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.
 - 11.2.2.3 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.
 - 11.2.3 Once a decision has been determined by the Church according to the preceding clause 11.2.2 it shall be communicated to the District which shall then take the following action:

- 11.2.3.1 Notice of a motion specifying the action shall be given to the delegates of the District Synod.
 - 11.2.3.2 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.
 - 11.2.3.3 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.
 - 11.2.3.4 The special resolution shall be submitted to the General Church Board.
- 11.3 Action initiated by the District
- 11.3.1 For any action referred to in the preceding clause 11.1 initiated by the District, the District 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.
 - 11.3.2 Following such consultation as described in the preceding clause 11.3.1, any outline of the reasons and purposes for dissolution shall be made by the District according to the following procedure:
 - 11.3.2.1 Notice of a motion specifying the action shall be given to the delegates of the District Synod.
 - 11.3.2.2 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.
 - 11.3.2.3 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.
 - 11.3.2.4 The special resolution shall be submitted to the General Church Board.
 - 11.3.3 Upon agreement, the General Church Board, subject to the provisions in the Constitution of the Church, Article 9.2, shall submit the proposal to a General Synod for approval according to the procedure in the preceding clause 11.2.2.
- 11.4 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.
- 11.5 The District Synod shall take all steps required to implement the special resolution for action under this Article, including the making of changes required in respect of incorporation under the Act and/or other relevant legislation.

ARTICLE 12. ALTERATIONS TO THE CONSTITUTION AND OTHER MATTERS REQUIRING A SPECIAL RESOLUTION

- 12.1 A special resolution is required if it is proposed that the Convention do any of the following:
- 12.1.1 to amend, alter, add to or repeal its Constitution, including changing the name of the District, except as hereinafter provided in the following clause 12.5; or
 - 12.1.2 to approve the terms of an amalgamation with one or more other incorporated associations; or
 - 12.1.3 to be wound up voluntarily; or
 - 12.1.4 to cancel its incorporation.

- 12.2 A special resolution is only passed if it is passed
- 12.2.1 at a general meeting of the Convention; and
 - 12.2.2 by the votes of not less than three-quarters [3/4] of the voting members of the Convention who cast a vote at the meeting.
- 12.3 Notice of the proposed amendment, alteration, addition or repeal shall be presented in writing and shall be read to the Convention at a duly called meeting of the Convention held at least fourteen [14] days earlier or be published to the Convention on the Agenda at least three [3] weeks before the date of the holding of the Convention.
- 12.4 In addition to any other requirement of this Constitution and of the Act, the quorum for a meeting held to consider a special resolution shall be one-quarter [1/4] of the members entitled to vote and the result of such a ballot shall be recorded in the minutes.
- 12.5 Notwithstanding anything else in this Constitution, Article 2. and clause 12.5 of this Constitution shall be considered fundamental and shall not be amended, altered, added to or repealed so as to alter their intent and meaning.