



CONSTITUTION AND BY-LAWS
of the
LUTHERAN CHURCH OF AUSTRALIA
WESTERN AUSTRALIA DISTRICT
INCORPORATED

1. Text as adopted by the District Synod at the 1996 District Convention.
2. Amendments to the Constitution and By-laws Part A adopted by Synod but still to be approved by the LCA.
3. The amended Constitution and By-laws are still to be approved by the Department of Fair Trading.

Preamble

- (1) 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).
- (2) The District became a legally incorporated body on the 17th of April, 1968.
- (3) Article IX Clause 2 of the Constitution of the Lutheran Church of Australia states:
The Constitution of each District shall be in accordance with the model 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 Council.
- (4) By-law XI.3 of the Lutheran Church of Australia 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.

CONSTITUTION

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) "lay member" means any member of a congregation of the District other than a pastor;
- (e) "parish" means a congregation or group of congregations forming an entity which is served by one or more pastors;
- (f) "pastor" or "member of the Ministry" 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 according to Article V Clause I ;
- (g) "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;
- (h) words importing the singular number shall be deemed to include the plural number.

I. NAME

The name of the District is: LUTHERAN CHURCH OF AUSTRALIA, WESTERN AUSTRALIA DISTRICT INCORPORATED, hereinafter called "the District".

II. CONFESSION

The District accepts the Confession of the Church, namely:

- (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.

III. OBJECTS

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

- (a) to 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) to unite in one body Evangelical Lutheran congregations in Australia and New Zealand for the more effective work of the Church;
- (c) to promote and maintain true Christian unity in the bond of peace;
- (d) to ensure that preaching, teaching and practice in the Church are in conformity with the Confession of the Church;
- (e) to 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) to encourage every congregation to carry out its mission to its local community;
- (g) to establish, develop and support new congregations where it is not possible for individual congregations to do so;
- (h) to support and cooperate with selected churches in other lands as they seek to carry out their mission;
- (i) to dialogue with other Christian church bodies;
- (j) to establish and maintain schools and other institutions and to foster all other means whereby the members of the congregations receive Christian education;
- (k) to cultivate uniformity in worship, ecclesiastical practice and customs in accord with the principles laid down in the Formula of Concord. Article X;
- (l) to publish, procure, and distribute literature compatible with the Confession and principles of the Church;
- (m) to minister to human need in the name of Jesus Christ our Lord and provide institutions and agencies for this purpose;
- (n) to 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.

IV. MEMBERSHIP

1. The membership of the District shall consist of congregations within its assigned area which
 - (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 acceptable to the Church and the District;
 - (d) undertake to participate in the work of the Church and the District, and to promote their Objects.
2. Such member congregations shall be recorded in the official Roll of Congregations of the District.
 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.

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.

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 a 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 congregations 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 co-operation in the programme 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;

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.

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 officials of the District and members of the Church Council;
 - (d) the General Church Council representative(s) of the District;who shall comprise the voting members.
3.
 - (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.
 - (a) The members of the Ministry shall serve for such time as their names are recorded on the Roll of Pastors.
 - (b) 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.
4. Casual vacancies may be filled by the body having the right of election or appointment to fill the position in respect of which the vacancy arises. The person elected or appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is 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 one (1) year 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 Secretary as laid down in the By-laws Part B.
9. A special convention of the Synod:
 - (a) may be convened by the President with the consent of the Church Council;
 - (b) shall be convened by the President at the request of the Church Council.Notice of a special convention stating its purpose shall be given to the members of the Synod by the Secretary 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 a 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.

VIII. OFFICERS AND ADMINISTRATION

1. The Officials of the District shall be a President, one or more Vice-Presidents, a Secretary, and a Treasurer. They shall be elected for a term of office determined by the District. The President and Vice-Presidents shall be pastors of the Church in the District.
2. The District shall have a Church Council, which shall consist of the President, Vice-President or Vice-Presidents, Secretary, and as many other members as it may determine in By-laws Part B. The Church Council shall have authority between Synods to make decisions within the limits prescribed in the By-laws.
3. The District shall have a Finance Council or equivalent, which shall consist of the Treasurer, and as many other members, including at least one pastor, as the District may determine in its By-laws Part B.
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 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 District shall appoint four (4) Sealholders, one of whom shall be appointed by the Church Council as the custodian of the Seal. The Seal of the District shall be affixed only by the authority of a resolution of the Church Council, and two (2) Sealholders shall sign every document to which the Seal is affixed.

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 which may be established, called the "Zone Conference", shall be held as determined from time to time by the District or the Zone. The Zone Conference shall be held under the control of the Zone Counsellor or the Zone Counsellor's representative.

X. DISCIPLINE, ADJUDICATION, AND APPEALS

1. Ecclesiastical discipline shall be exercised in the District:
 - (a) by a congregation against anyone of its members who evidently departs from the Confession of the Church, or who manifestly leads an ungodly life;
 - (b) by those to whom such authority is given in the By-laws of the Church 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 and resolutions of the Church;
- (c) by those to whom such authority is given by the Church against a congregation
 - (i) if it departs from the Confession of the Church; or
 - (ii) if it refuses to exercise discipline against its members, or pastor, or teacher, or other church worker; or
 - (iii) 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 Word of God and Christian principles, and shall be as laid down in the By-laws and rules adopted by the Church.

2. The District shall have the authority within its area to adjudicate upon matters
 - (a) which pertain to the interpretation of its Constitution, rules, or regulations;
 - (b) 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 and other church workers and standing committees;
 - (c) which are submitted to the District and accepted by it for adjudication.
3. The Church and the District together shall establish a judicial procedure to deal with discipline and adjudication and any appeals in relation thereto which may be made. The rules governing such judicial procedure shall be laid down in the By-laws of the Church and in the rules of the Commission on Adjudication and Appeals of the Church.

XI. DISSOLUTION

Any decision to dissolve the District shall be taken only after consultation with the President of the Church and shall require a two-thirds majority of the total number eligible to vote according to Article VII Clause 2. Such a decision shall not become operative until the sanction of the Church has been obtained. In the event of such dissolution the District may give indication regarding the use of its assets within the Church. Where no such indication is given they shall be transferred to the Church absolutely.

XII. BY-LAWS

1. The District through its Synod may petition the Church or its General Church Council 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 repeal or alter such By-laws from time to time.
3. Where a convention determines, without prior notice on the agenda of a proposal to adopt, repeal, alter, or add to a By-law, to deal with any such matter, the President may use absolute discretion to defer consideration thereof and voting thereon until the next day.

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 Council, to amend, alter, add to, or repeal any of the rules, except Article II and Article XIII Clause I, 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 Council 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.
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