Constitution of the Lutheran Church of Australia
Victorian District
(including Tasmania)
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The Constitution of the Lutheran Church of Australia Victorian District

Note: Article IX Clause 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 Council.

Note: By-law XI.3 of the Church states:
The Constitution and By-laws Part A of Districts laid down by the Church in pursuance of Article IX Clause 2 of the Constitution of the Church are By-laws of the Church.

Interpretation

In this Constitution and the By-laws made there under, 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 a 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

1. The name of the District is: LUTHERAN CHURCH OF AUSTRALIA VICTORIAN DISTRICT, hereinafter called ‘the District’. (Internally, the District is commonly known as the Lutheran Church of Australia Victoria/Tasmania District.)


II. CONFESSION

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

(a) It accepts without reservation the Holy Scriptures of the Old and New Testaments, as a whole and in all their parts, as the divinely inspired, written, and inerrant Word of God, and as the only infallible source and norm for all matters of faith, doctrine and life.

(b) It acknowledges and accepts as true expositions of the Word of God and as its own confession all the Symbolical Books of the Evangelical Lutheran Church contained in the Book of Concord of 1580, namely, the three Ecumenical Creeds: the Apostles’ Creed, the Nicene Creed, and the Athanasian Creed; the Unaltered Augsburg Confession; the Apology of the Augsburg Confession; the Smalcald Articles; the Small Catechism of Luther; the Large Catechism of Luther; and the Formula of Concord.

III. OBJECTS

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

(a) fulfill the mission of the Christian Church in the world by proclaiming the Word of God and administering the Sacraments in accordance with the Confession of the Church laid down in Article II;

(b) unite in one body Evangelical Lutheran congregations in Australia and New Zealand for the more effective work of the Church;

(c) promote and maintain true Christian unity in the bond of peace;

(d) ensure that preaching, teaching, and practice in the Church are in conformity with the Confession of the Church;

(e) provide pastors and teachers and other church workers for service in the Church and its congregations, and for this purpose to establish and maintain institutions for their training;

(f) encourage every congregation to carry out its mission to its local community;
IV. MEMBERSHIP

1. The membership of the District shall consist of congregations of baptised members 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 and By-Laws 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.

Such member congregations shall be recorded in the official Roll of Congregations of the District and shall exercise their membership rights in accordance with the representation requirements outlined in Article VII 2(a).

2. The District shall consist of the congregations which are members of the Church in Victoria and Tasmania.

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 District 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 manner as it may deem advisable.

4. The District shall have power to acquire, accept, hold, dispose of, lease, let, mortgage or otherwise deal with real and personal property and any estate or interest in real and personal property and to give guarantees as it may deem necessary for the effective promotion of any or all its activities.

5. The District shall have power to do all such things as the District may think incidental or conducive to the attainment of the Objects of the District or any of them.

6. The jurisdiction of the District over the congregation shall, subject to this Constitution and the By-laws, include the following rights to:

(a) ensure faithful adherence to the Confession of the Church;

(b) apply discipline when departure from the doctrine of the Church is evident;

(c) enlist wholehearted cooperation in the program approved by the Church or the District in the fulfilment of its Objects; and

(d) 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 Representation at Convention

(b) the members of the Ministry of the District;

(c) the members of the District Church Council;
(d) the principals of Lutheran schools in the District;
(e) the chairpersons of Standing Committees of the District;
(f) the District Administrator;

who shall comprise the voting members, known as ‘delegates’.

3. (a) All lay delegates shall serve from the commencement of the regular
collection of the Synod to the commencement of the regular convention
of the next Synod, and shall be eligible for re-election or re-appointment.
(b) The members of the Ministry shall serve for such time as their names are
recorded on the Roll of Pastors.
(c) The members of the District Church Council shall serve from the conclusion of
the regular convention of the Synod at which they were elected to the
conclusion of the regular convention of the Synod at which their prescribed
term of office expires, and shall be eligible for re-election or re-appointment,
subject to any limitations hereinafter contained.

4. Casual vacancies may be filled by the body having the right of election or
appointment to the position in respect of which the vacancy arises. The person
elected or appointed to fill a vacancy shall hold office for the balance of the
term of the member whose place needs to be filled.

5. Such other persons as may be prescribed by the By-
laws Part B shall be entitled
to attend meetings of the Synod as consultants without any right to vote.

6. In the absence of a delegate at a conven-
tion of the Synod the right to vote may
be accorded to an alternate appointed in a manner laid down in the By-
laws to
exercise that right.

7. The length of the synodical term shall be two (2) years or such other period as
may from time to time be prescribed by the By-
laws Part B.

8. The Synod shall convene and be constituted at the beginning of the synodical
term in a regular convention at a time and place determined by the District
Church Council. Notice of such regular convention shall be given to the
members of the District by the Secretary of the District as laid down in the By-
laws Part B.

9. A special convention of the Synod
(a) may be convened by the Bishop with the consent of the District Church
Council;
(b) shall be convened by the Bishop at the request of the District 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
District Church Council to the voting members of the Synod for determination in
the manner prescribed by the By-
laws Part B.

11. Subject to this Constitution and the By-
laws, the Synod may determine its own
procedure.

12. The Synod may delegate all or any of its powers, authorities, and duties to such
persons or bodies and in such manner as it may see fit.
VIII. OFFICERS AND ADMINISTRATION

1. The Officials of the District shall be a Bishop, an Assistant Bishop and the District Administrator. The Bishop and Assistant Bishop shall be elected for a term of office determined by the District. The District Administrator shall be employed by the District. The Bishop and Assistant Bishop shall be pastors of the Church in the District.

2. The District shall have a District Church Council, which shall consist of the Bishop, the Assistant Bishop and as many other members as it may determine in By-laws Part B. The District Church Council shall have authority between the Synods to make decisions within the limits prescribed in the By-laws.

3. The District shall appoint as many Councils and Committees as it may deem necessary for the carrying out of its Objects. The rights and duties of such Councils and Committees shall be as defined in the By-laws.

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 by the By-laws.

5. The District shall appoint such commissions, tribunals and other bodies and officers as it may deem necessary, and shall prescribe their duties.

6. All Officials, Boards, Councils and Committees, and appointees of the District shall have such rights only as have been expressly conferred upon them by the District, or by this Constitution or the By-laws, and in everything pertaining to their rights and the performance of their duties they are responsible to the Synod, and between conventions of the Synod to the District Church Council.

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 District Church Council shall appoint a pastor as the Zone Counsellor from nominations made by the pastors of the respective Zone.

3. A meeting of the congregations and the pastors in each Zone, called the `Zone Conference', shall be held as determined from time to time by the District or the Zone. Zone Conferences shall be chaired by the Zone Counsellor or the Zone Counsellor's representative.

X. DISCIPLINE, ADJUDICATION, AND APPEALS

1. Ecclesiastical discipline shall be exercised in the District:
   (a) 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;
   (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 of the Church, or between congregations, or between pastors, or between pastors and congregations, or between pastors, teachers or 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

1 For dissolution initiated by

a) the Church: The Church in consultation with the District Church Council and/or its Synod shall outline the reasons and purposes for such a proposal to a General Synod for approval.

b) the District: The District through its Synod shall outline the reasons and purposes for its dissolution to the General Church Council. Upon agreement, the General Church Council shall present a proposal and subject to the agreement as required in the Constitution of the Church, Article IX 1, submit the proposal to the a General Synod for approval.

2 Any decision for dissolution shall be made according to the following procedure:

(a) Notice of a proposal to dissolve the District shall be given to the delegates of the General Synod;

(b) At least 30 days written notice of a Convention of the General Synod, specifying the intention to dissolve as a special resolution, shall be given to the delegates of the General Synod;
(c) The resolution must be passed at a duly constituted General Synod, by a majority of not less than three quarters of the delegates of the Convention of the General Synod.

3 In the event of such dissolution, the District shall recommend to General Synod the use or disposal of the assets.

4 In the event of the District being wound up, any surplus assets remaining after payment of the District’s liabilities shall be transferred to another District of the Lutheran Church of Australia or in the absence of any such District to another organisation with similar purposes to those of the Lutheran Church of Australia which is not carried on for the purpose of profit or gain for its individual members.

XIII. 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 amend, alter, add to or repeal such By-laws from time to time.

3. Where a convention determines, without prior notice on the agenda of a proposal to amend, alter, add to or repeal a By-law, to deal with any such matter, the Bishop has absolute discretion to defer consideration thereof and voting thereon until the next day.

XIV. 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 XI Clause 1, which shall be considered fundamental and unalterable in their intent and meaning.

2. Notice of any proposed amendment, alteration, addition or repeal shall be given on the agenda of the convention, and any such petition shall require a two-thirds majority of the total number eligible to vote according to Article VII Clause 2, unless the petition relates to an amendment, alteration, addition, or repeal already approved or recommended by the General Synod or General Church 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.

XV. NOT FOR PROFIT

1. The assets and income of the District shall be applied solely in furtherance of the Objects set out in the Constitution and no portion shall be distributed directly or indirectly to member congregations or members of the Ministry except as bona fide compensation for services rendered or expenses incurred on behalf of the District.
Reception into Membership

1. A congregation seeking membership in the Church shall make application to the Bishop of the District in which it will hold such membership. Its application shall be accompanied by a duly attested copy of its Constitution in which
   (a) it accepts and holds the Confession of the Church;
   (b) it accepts the Constitution and By-laws of the Church and of the District;
   (c) it undertakes to participate in the program and work of the Church and of the District;
   (d) it 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;
   (e) it 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 District Church Council that the amended constitution remains in conformity with Article IV Clause 1 of the Constitution of the Church.

2. Upon receipt of an acceptable application for membership the Bishop of the District with the approval of the District 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.

Withdrawal from Membership

3. A congregation may withdraw from membership in the Church by adopting the following procedure:
   (a) The resolution indicating desire to withdraw must be adopted at a legally constituted meeting of the congregation by a two-thirds majority of the voting members, and shall be submitted to the Bishop of the District within fourteen (14) days of adoption.
   (b) The Bishop of the District or the Bishop’s appointed representative shall negotiate with the congregation for at least ninety days after receipt of the resolution.
   (c) After such negotiation the formal and final vote shall be taken at a legally constituted meeting of the congregation, the purpose of which has been published and at which the Bishop of the District or the Bishop’s representative shall be present.
   (d) If the vote to withdraw is in the affirmative, a copy of the resolution shall be forwarded to the Bishop of the District, and upon its receipt the membership of the congregation in the Church shall terminate. The Bishop shall forward notice of withdrawal to the Secretary of the Church, who shall publish it in the official publication of the Church.
(e) In the event of a group of members of the congregation resolving to remain in membership with the Church, the question of any equitable distribution of property rights shall be referred to the judicial system of the Church.

Preaching Centres

4. 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 IV Clause I of the Constitution.

V. THE MINISTRY

General

1. The By-laws of the Church regarding the Ministry shall be applicable within the District.

Pastors’ Conference

2. The duties of the Pastors’ Conference shall be to:
   (a) give guidance in matters of doctrine and confession;
   (b) foster theological studies by all members of the Ministry;
   (c) stimulate and give guidance to the members of the Ministry in the work of their calling;
   (d) foster fellowship between the members of the Ministry;
   (e) consider matters relating to the well-being of the Church and of the District in particular;
   (f) make nominations for the positions of Bishop and Assistant Bishop.

VII. THE SYNOD

1. Lay delegates shall be voting members of the congregation.

2. The following shall be entitled to submit matters for discussion at the convention of the Synod of the District:
   (a) any congregation;
   (b) any parish;
   (c) any Committee, Council, and Commission of the District, provided the matter is within its terms of reference;
   (d) the Pastors’ Conference;
   (e) the District Church Council;
   (f) the General Church Council of the Church, or its Executive.
Nominations

3. The method of nominating the Bishop and thereafter the Assistant Bishop of the District shall be as follows:

(a) A Nominations Committee consisting of three pastors shall be appointed by the Pastors’ Conference Program Committee not less than six months prior to the convention of the Synod at which the election for the office of Bishop falls due.

(b) All pastors whose names are recorded on the Roll of Pastors of the Church are eligible for the position of Bishop; only pastors of the District are eligible for the position of Assistant Bishop in the District.

(c) Nomination of Bishop

(i) For the nomination of Bishop, the Nominations Committee shall invite all pastors of the District to submit the names of up to three 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 months prior to the meeting of the Pastors’ Conference held immediately prior to the regular convention of the Synod. The first preference on each ballot paper shall be used to establish a list of nominees who shall then be approached by the committee to ascertain whether they are willing to stand for election. The committee may confidentially make known to any such nominee the number of votes cast in favour of that nominee.

(ii) If the withdrawal of proposed nominees involves twenty-five (25) per cent or more of the votes cast, the next preferences on the ballot papers shall be used to establish the list of nominees.

(iii) The list of nominees shall be presented to the Pastors’ Conference held immediately prior to the regular convention of the Synod.

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

(d) Nomination of Assistant Bishop

(i) Any pastors of the District nominated for the office of Bishop, if not elected to such office, shall with their consent automatically be nominated for the office of Assistant Bishop.

(ii) Separate nominations 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.

(iii) The first ballot shall be a ballot to establish a list of nominees. Before publication of the results of the ballot the committee conducting the election shall privately ascertain from all nominees whether they are willing to stand for election, and may confidentially make known to any such nominee the number of votes cast in favour of that nominee. The committee thereupon, without divulging the number of votes cast, shall publish to the Pastors’ Conference the names of those willing to stand for election and the names of those who declined to stand.

(iv) If the withdrawal of proposed nominees involves twenty-five (25) per cent or more of the votes cast by those present and voting, another ballot shall be held to establish the list of nominees. The names of all
persons who were not willing to stand for election shall be made known prior to such ballot.

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

**Elections**

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

(a) The names of the nominees of the Pastors' Conference shall be submitted to the convention of the Synod at which such elections are to take place, and shall stand as the list of nominees unless the convention determines by resolution after reading of the relevant nominations that additional nomination or nominations may be made. For inclusion on the list each proposed additional nomination shall separately require the majority approval of the district delegates present, the vote being taken by show of hands.

(b) The provisions of sub-section (4) (a) of the previous clause shall be observed.

(c) The elections shall be conducted by preferential ballot prior to the reading of nominations for all other elective offices in the District.

**VIII. OFFICERS AND ADMINISTRATION**

1. The Bishop shall:

(a) (i) serve as the spiritual leader of the District and shall strive to preserve peace and order;

(ii) have the general oversight of all congregations, pastors and lay workers in the District, and in fulfilment thereof shall make or arrange for official visits to congregations and parishes;

(iii) 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;

(iv) promote the general well-being of the Church in the District;

(v) receive, as the chief administrative officer of the District, direction, guidance, and counsel from the Church Council;

(vi) perform such other duties as are prescribed in the By-laws Part B.

(b) (i) the Bishop-elect shall normally assume office three months after being elected;

(ii) before the Bishop-elect assumes office, the outgoing Bishop shall

• continue as Bishop;

• use the intervening period to settle the affairs of the administration.

• assist the Bishop-elect to become acquainted with the duties and responsibilities of the office.

2. The Assistant Bishop:
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(a) shall, in the event of the death or resignation of the Bishop, automatically assume the office of Bishop until the next Convention of the Synod, but shall not terminate parish or other duties unless elected by the Synod;

(b) shall, by direction of the District Church Council, assume office as Acting Bishop during the Bishop’s sickness, absence or inability to carry out the Bishop’s duties;

(c) shall carry out such duties as may be directed by the District Church Council;

(d) may be requested by the Bishop to act as the Bishop’s deputy whenever and wherever deemed necessary.

3. The District Administrator shall

(a) perform those duties generally incumbent upon such an office, and as prescribed in the By-laws Part B III D, District Administrator;

(b) inform the Secretary of the Church of any changes in or additions to the Roll of Congregations and the Roll of Pastors.

(c) forward annually to the Secretary of the Church a financial statement of all receipts and expenditure of the District;

4. The District Church Council shall

(a) ensure that the program and policies of the Church are carried out in the District;

(b) require annual reports to be submitted to it by all councils, 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;

(c) refrain from interfering with the administration of any particular council or committee as long as the respective body is functioning within established policy;

(d) 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;

(e) 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;

(f) submit to the Synod a proposed budget for the following synodical period;

(g) recommend to the Synod projects involving provision for major capital expenditure;

(h) recommend to the Synod a proposed program of projects involving major capital expenditure for the following synodical period or periods;

(i) take action in matters involving expenditure not covered by the budget or provided for by the Synod;

(j) 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.

5. Executive Offices of Committees
(a) Any full-time executive office for a committee of the District shall be established by the Synod of the District. Recommendations regarding the establishment of any such office may be made by the relevant committee and shall be made through the District Church Council.

(b) The term ‘executive officer’ in the By-laws shall mean the person filling any full-time executive office. The title given to any executive officer shall be determined by the District Church Council.

(c) An executive officer shall be appointed for three (3) years, unless otherwise determined by the Synod, and shall be eligible for re-appointment.

(d) The duties of the executive officer shall be defined by the relevant committee and be approved by the District Church Council.

(e) An executive officer shall work within the policies and under the direction of the relevant committee.

IX. ZONES

1. The purposes of a Zone Conference shall be to
   (a) strengthen the ties of fellowship between the congregations;
   (b) stimulate interest in spiritual matters by joint study;
   (c) receive information regarding the program and work of the Church;
   (d) discuss important matters of Zone, District, or Church interest.

2. The functions of the Zone Counsellor shall be to
   (a) exercise general oversight over the spiritual well-being of the pastors and congregations in the Zone;
   (b) promote the program of the Church in the Zone;
   (c) advise the Bishop of the District regarding the progress of the work of the Church in the Zone.

X. DISCIPLINE, ADJUDICATION, AND APPEAL

1. The By-laws of the Church regarding discipline, adjudication, and appeal shall be applicable within the District.
BY-LAWS PART ‘B’ OF THE DISTRICT

I. BY LAWS
The By-laws Part B of the District set out the rules governing the District; each Council and Committee, each Executive Officer and each Fund of the District.

II. CONVENTIONS

II.A. CONVENING OF SYNOD
1. The regular Convention of the District shall ordinarily be held at a time arranged by the District Church Council (DCC) and the inviting congregation or congregations.
2. In the year prior to the holding of a General Convention, the DCC shall decide if a District Convention will be held during the year of the next General Convention.
3. Notice of a regular Convention shall be published by the District Administrator (DA) in the official church organ (the ‘Lutheran’) at least three (3) months before the appointed date.
4. Notice of a special Convention shall be published by the DA in the official church organ at least four (4) weeks before such Convention.
5. The agenda, setting out details of the matters to be dealt with at the regular Convention of the District, and Reports of Councils and Committees, shall be forwarded by the DA to all congregations at least three (3) weeks before the date of the holding of such Convention. Late proposals in writing and handed to the DA before the first business session may be accepted by the Convention and placed on the agenda. At the discretion of the DCC, new business may be submitted to Synod during the days of Convention.
6. The agenda for a special Convention shall be forwarded to congregations at least one (1) week before the date of such Convention. At the discretion of the DCC, new business may be submitted to Synod.
7. Each accredited auxiliary of the Church within the District shall submit an annual report of its activities to the regular Convention of the District through its respective Departmental Council.

II.B. REPRESENTATION AT CONVENTIONS
1. The ratio of delegates to communicants in each congregation shall be as follows:
   (a) one (1) delegate for the first seventy-five (75) communicants or part thereof;
   (b) two (2) delegates for seventy-six (76) to one hundred and seventy-five (175) communicants;
   (c) three (3) delegates for one hundred and seventy-six (176) to two hundred and seventy-five (275) communicants;
   (d) four (4) delegates for two hundred and seventy-six (276) to three hundred and seventy-five (375) communicants;
   (e) five (5) delegates for three hundred and seventy-six (376) to four hundred and seventy-five (475) delegates;
   (f) six (6) delegates for four hundred and seventy-six (476) to five hundred and seventy-five (575) delegates;
Constitution of the Lutheran Church of Australia Victorian District (including Tasmania)

(g) one (1) delegate thereafter for each additional two hundred (200)
communicants or part thereof.

2. Delegates shall be aged sixteen (16) years and over, and be voting members of
the congregation as per By-law A. VII.1.

3. Secretaries of congregations shall forward in writing the names and addresses of
delegates of their congregations to the Administrator of the District.

4. One half plus one of the total voting strength of the District shall form a quorum at
any Convention.

II.C. TRANSACTING BUSINESS
1. The business of the Convention shall be transacted under the chairmanship of
the Bishop, or at his discretion the Assistant Bishop or the Chairman of District
Church Council. If they are unable to act, the Convention shall elect a
Chairman.

2. The Chairman shall ensure that a quorum is present at all times.

3. The DA shall act as Secretary to Convention.

4. The duties of the Secretary to Convention shall include the following:
   (a) publish the notice of the regular and of any special conventions;
   (b) assist the Bishop in making any necessary arrangements for conventions of
       the District;
   (c) receive, and in conjunction with the Bishop to publish the agenda and
       reports for any Convention;
   (d) prepare and publish the Official Report of Convention;
   (e) be responsible for the preparation of an accurate record of the minutes of
       conventions of the District;
   (f) take custody, at the close of Convention, of the results of elections;
   (g) inform responsible bodies or individuals, as soon as possible after
       Convention, of the resolutions and appointments affecting them;
   (h) in the event of a matter of urgency being referred to delegates for
determination when Convention is not in session, to receive ballots for safe
keeping.

5. Any person desiring to speak shall ask for the floor by raising a hand or otherwise
indicating to the Chairman a desire to speak, and when called upon to speak,
shall stand and address the chair. No interruption to the speech shall be
permitted except upon a question of order.

6. All proposals on the agenda shall be placed before the Convention for
discussion and decision, unless withdrawn.

7. All reports published in the Book of Reports to Convention or in supplements
thereto shall be regarded as received by the Convention unless otherwise
amended.

8. A motion or amendment, including any proposal stemming from the reports of
councils or committees may be discussed and voted on only after it has been
moved and seconded by a delegate.

9. At the request of the mover and seconder, and with the consent of the
Convention, a motion or an amendment may be withdrawn.
10. 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.

11. Only one amendment to a motion shall be before the chair at any time. After it has been agreed to or rejected, another amendment may be moved. Notice of further amendment may be given at any time.

12. Every amendment shall be relevant to the motion to which it refers

13. Proposers of amendments shall present the same to the Chairman in writing.

14. Those taking part in a debate shall be limited to one (1) speech on a question except to clear up a misunderstanding or in exercising the right of reply, or except the meeting grant permission.

15. A right of reply is allowed only to the mover of the original motion. It concludes the debate unless there are one or more amendments, in which case it may be exercised at the conclusion of the debate on the first amendment.

16. Seconded amendments are new questions and persons who have spoken to the motion shall be permitted to speak again.

17. 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.

18. The Chairman shall give ample opportunity for speakers for and against a motion or an amendment to be heard. If there are no speakers against the question it shall be put without right of reply.

19. As a general rule motions and amendments shall be read before a vote is taken, and the Chairman shall, if necessary, briefly explain their meaning.

20. No motion may be brought forward which is the same in substance as a question which has already been resolved by Convention unless a motion calling for a reconsideration of the question previously decided is moved and seconded by persons who voted with the majority when the question was originally put. If the motion to reconsider is carried, the previous vote is thereby cancelled, and the original motion is again before the Convention in the form in which it was put to the vote. A question may be reconsidered only once at the same Convention.

21. A question shall be decided by a show of hands unless a ballot is required by the Chairman 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.

22. 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 Chairman shall decide whether to uphold or disallow the point raised, and it shall not be debated unless an appeal be made against the ruling of the Chairman.

23. Deference shall be paid to the Chairman’s authority. All present shall be seated whenever the Chairman rises to speak, and he/she shall be heard without interruption, except when a point of order is raised.

24. The Chairman may call attention to continued irrelevance or tedious repetition on the part of a speaker and may direct the person to discontinue speaking.
25. If disorder should arise, the Chairman shall have the discretion to announce an adjournment of Convention and leave the chair, and by that action Convention is immediately adjourned for a period that shall not exceed half an hour.

26. The Chairman may speak briefly for the purpose of giving some desired or necessary information. If, however, the Chairman wishes to take an active part in a debate, the Assistant Bishop or the Chairman of District Church Council shall take the chair.

27. Unless otherwise stipulated, a simple majority shall decide the question. In the event of an equality of votes, the Chairman shall, in addition to an original vote, have a casting vote, or refer the question for further discussion.

(a) 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:

(b) A question may be superseded for that particular Convention by the acceptance of either of the following motions:

(c) ‘That the debate be adjourned’;

(d) ‘That Convention proceed to the next business’.

(e) A question may be superseded for the time being by the motion ‘That the question lie on the table’. There may be a subsequent motion, either at the same or a later Convention, to take the question from the table.

(f) Convention may be adjourned by the motion ‘That Convention adjourn’. Debate may take place if the motion or amendment state time, date and place of the adjourned Convention.

(g) Debate on a motion or an amendment may be closed by the motion, ‘That the motion be now put’. However, the Chairman may refuse to accept such a motion if the opinion is that the question has not been sufficiently discussed. The mover of this motion must not have spoken for or against the motion before the chair.

28. Matters of conscience and of doctrine shall have precedence over the other questions and any rules relating to time limits and the number of times a person may speak may be suspended by the ruling of the Chairman or by majority decision of the Convention.

29. Any of these standing orders may be suspended, if the need arises, in respect to any business of Convention, provided that two-thirds of the delegates present consent.

30. Any proposals or questions coming before the Convention may be referred to a special committee for study and for report to the Convention by:

31. the DCC prior to the sessions;

32. the Convention during the sessions.

33. Members of the Lutheran Church of Australia not being delegates may take part in discussions with the permission of the Chairman, provided the priority of delegates is observed, but shall not have the right to vote. Other visitors may attend and speak but only with the permission of the Chairman.

34. All proceedings shall be entered into a minute book, with the exception of unseconded motions or amendments.

35. 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
II.D. NOMINATIONS AND ELECTIONS

1. The method of nominating the Bishop and thereafter the Assistant Bishop shall be conducted as laid down in By Laws Part A VII.3.

2. The method of electing the Bishop and thereafter the Assistant Bishop shall be conducted as laid down in By Laws Part A VII.4.

3. The nomination and election of other pastors on DCC and lay members shall be conducted according to the procedures laid down in By-law B. II.D.4. for other elections, except that the second reading of these nominations and the elections of candidates shall precede the first reading of nominations for committees.

4. For Other Elections the following provisions shall apply to nominations for any elected position on a Council, except in those cases where the right of nomination has been delegated to a particular body:

   (a) Nominations, indicating the consent of the nominee, may be forwarded by any congregation to the Electoral Committee.

   (b) Suggested nominations may be made by the Bishop of the District, DCC and by Councils and Committees for consideration by the Electoral Committee.

   (c) During the days of the Convention, up to the close of nominations, any two (2) delegates may submit a further nomination, which shall be signed by the proposer and seconder, and shall indicate the consent of the nominee.

   (d) Retiring members of councils eligible for reelection shall be nominees subject to their consent.

   (e) The Electoral Committee may, at its discretion, list a nominee for a position in addition to that for which the person was originally nominated, subject to the nominee’s consent.

   (f) The first reading of all other nominations shall take place after the completion of the elections to the DCC, and a written list of nominations shall be distributed to all delegates.

   (g) Not less than one (1) hour shall elapse between the first reading and the close of nominations.

   (h) In the event of a one-day Convention, this time-lapse may be reduced to 15 minutes.

   (i) Where a new office or council is created, the time of closure for such nominations may be extended by the Bishop and the election be held later.

   (j) The election of officials and councils shall be by ballot. The order of names for each election shall be determined by lot.

   (k) In the event of an equality of votes in any election, the Chairman for the time being may give a casting vote.

   (l) Whenever the Bishop is a candidate in any such election, the issue shall be decided by another ballot.
II.E. METHOD OF VOTING BETWEEN CONVENTIONS
When, pursuant to Article VII.10. of the District Constitution, the DCC decides that a matter of urgency shall be referred to the delegates of the District for determination, the following procedure shall apply.

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

2. Voting shall be by ballot.

3. The ballots cast shall be returned separately by each delegate to the DA of the District in an envelope provided. The date and hour of closure shall be stipulated by the Bishop. The DA shall place all ballots, unopened, in a ballot box for safe keeping.

4. A committee of not more than three (3) members shall be appointed by the Church Council to count the votes. This committee shall include at least the past Chairman of the Electoral Committee or deputy. The committee shall meet at the time of the closing of the ballot to empty, without scrutiny, all ballots into a single pile, after which all votes shall be counted.

5. The result of the ballot shall be conveyed by the committee to the Bishop who shall determine whether the official announcement to the District shall be made in the official organ of the Church or in a separate circular.

II.F. CHAPLAIN/S TO A CONVENTION OF SYNOD / PASTORS CONFERENCE

1. ELECTION
   (a) DCC shall appoint one or more (at its discretion) chaplain/s to serve for the synodical term. The retiring chaplain/s shall be eligible for re-appointment.

   (b) The appointment shall be effective as soon as possible but no later than three months after the close of Convention of Synod thus enabling the outgoing chaplain/s to complete any remaining Convention or other duties thereby ensuring a smooth and orderly transition.

2. DUTIES
   (a) The Chaplain shall perform duties required of the chaplain/s to a Convention of Synod including all arrangements for divine worship and prayer life of the Convention in consultation with the District Bishop.

   (b) The Chaplain shall act as chaplain/s to all meetings and activities associated with Conference fostering a collegiate spirit and fidelity amongst all members.

   (c) The office of chaplain/s shall become vacant immediately upon acceptance by the incumbent of a call to another District of the Church.

II.G. PASTORS’ CONFERENCE

1. NAME
   The name of the Conference shall be the Pastors’ Conference, Victoria/Tasmania District (hereafter called ‘the Conference’).

2. MEMBERSHIP
   The membership of the Conference:
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(a) shall be restricted to Victoria/Tasmania District serving pastors, pastors holding appointed positions, and retired pastors.

(b) shall be in accordance with Rules governing the General Church Pastors’ Conference whereby Victoria/Tasmania District resident retired pastors shall not exercise a personal vote in the election for the office of Bishop.

(c) All serving pastors and pastors holding appointed positions in the District shall attend meetings of conference. Just cause for non-attendance must be established with the Conference Chairman and the District Bishop.

3. OBLIGATIONS AND DUTIES

(a) A meeting of Pastors’ Conference shall be held immediately prior to the Convention of Synod, the duration of Conference being determined by the Conference Chairman in consultation with the District Bishop, and the secretary of Conference. Conference shall meet thereafter as required but not less than once each calendar year.

(b) Conference shall, if required or it deems necessary, resolve and advise Synod on any agenda item of theological concern, interest or intent referred to it by Conference members, DCC, District Bishop, Synod, or the Church.

(c) Conference shall be the principal source of theological and ethical advice on matters listed on the synodical agenda.

(d) Conference shall nominate to a Convention of Synod one or more pastors for call to the office of District Bishop.

(e) The Vice Bishop of the District shall be the Chairman of the Conference.

(f) A secretary shall be elected by the Conference from its membership.

(g) The chaplain/s to the Convention of Synod and the Conference shall be appointed by the DCC as soon as possible but no later than three months after the close of a Convention of Synod.

(h) Meetings and elections shall be conducted in accordance with the By-laws of the Church.

(i) The Conference Chairman and secretary shall serve for the synodical term and be eligible for re-election but would not normally serve more than twelve years.

(j) Duties of the Conference Chairman and secretary shall commence as soon as possible but no later than three months after the close of a Convention of Synod thus enabling out-going office bearers to complete any remaining Convention or other related duties thereby ensuring a smooth and orderly transition.

(k) Should the Chairman of Conference accept a call to another District of the Church, the position immediately falls vacant. The DCC shall make an interim appointment from members of Conference. Should the office of secretary fall vacant, the Chairman of Conference shall make an interim appointment from members of Conference.

(l) An executive to manage the affairs of Conference between meetings shall comprise the Chairman and secretary. Any decision or action taken by the executive shall be reported to the next Conference meeting.
4. CONFERENCE PROVISIONS

(a) A Conference member may list an agenda item for regular meetings of Conference. Written notice shall be given of such motion and carry the endorsement of at least five Conference colleagues.

(b) In conjunction with the election of Conference office bearer a further ballot may be held to elect delegates to General Church Synod. This ballot shall be conducted at the meeting of Conference prior to the commencement of General Church Synod or, if more practical, by postal vote at a later date. The ballot result shall be irrevocable.

5. GENERAL PROVISIONS

(a) All congregations shall make appropriate provision for attendance of their pastor(s) at Conference meetings, such attendance forming part of pastoral in-service training and spiritual enrichment. Conference attendance shall not constitute part of annual, recuperative or sick leave provisions.

(b) All administrative costs associated with the conduct of Conference shall be the responsibility of the Victoria/Tasmania District. Any other costs such as meals, accommodation and travel shall be the responsibility of the pastor's congregation, parish or district employer.

6. CHAIRMAN OF PASTORS’ CONFERENCE

The Chairman shall:

(a) be the Assistant Bishop of the District;

(b) commence duties as soon as possible but no later than three months after the close of Convention thus enabling the out-going Chairman to complete any remaining Convention or other duties thereby ensuring a smooth and orderly transition;

(c) immediately vacate the position upon his acceptance of a call to another District of the Church. The DCC shall make an interim appointment from members of Conference;

(d) chair all meetings of Conference in accordance with the By-laws of the District and Church. In the absence of the Chairman from a particular meeting, Conference shall elect an acting-Chairman from among those in attendance;

(e) ensure accurate minutes of meetings and agenda are taken, prepared and maintained;

(f) ensure, in close consultation with the District Bishop, appropriate levels of in-service training, retreat and spiritual enrichment opportunities are made available to, and attended by, all Conference members. Attendance at any of the above is not considered mandatory for emeritus pastors;

(g) work in close co-operation with the District Bishop, Conference chaplain and secretary to maintain appropriate levels of Conference management and administration.

7. SECRETARY OF PASTORS’ CONFERENCE

(a) The secretary of Pastors’ Conference shall be elected for the synodical term, and shall be eligible for re-election.

(b) Duties of the newly elected secretary shall commence as soon as possible but no later than three months after the close of a Convention of Synod thus
enabling the out-going secretary to complete any remaining Convention of Synod or other duties, thereby ensuring a smooth and orderly transition.

(c) The office of secretary shall become vacant immediately upon acceptance by the incumbent of a call to another District of the Church. In such event the election of a new Conference secretary shall be held at the first subsequent meeting of Conference. The Chairman shall arrange an interim appointment.

(d) The Secretary shall:

(e) be responsible, in conjunction with the Chairman of Conference, for minutes of Conference meetings, correspondence and follow-up;

(f) act as secretary to all meetings of the Conference;

(g) attend to other such duties as may from time to time be required by the Conference.

II.H. CONTINUING EDUCATION FOR PASTORS
The District shall maintain and support a Continuing Education for Pastors (CEP) Program to assist pastors in the further development of all aspects of their ordained ministry.

1 OBJECTIVES

(a) To encourage pastors to participate in continuing education as a means of personal growth in faith and ministry.

(b) To encourage pastors, congregations and parishes to regard continuing education as an integral element of the pastoral vocation.

(c) To encourage all District pastors to develop a positive attitude towards self-assessment.

(d) To involve pastors in a consultative process which continually seeks to define and refine their personal ministry.

(e) To ensure congregations and parishes provide necessary financial and other infrastructure support to allow for their pastors participation in CEP programs.

(f) To develop ways of involving pastors, parishes and the District to collaboratively plan CEP programs.

2 CEP COMMITTEE

(a) The District shall have a CEP committee which shall:

(b) comprise the Bishop, and 4 pastors elected by the Pastors Conference. The Committee shall elect their own Chairman and Secretary;

(c) identify and prioritise the educational needs of pastors and develop programs to meet such needs;

(d) arrange at least two (2) CEP retreats annually;

(e) annually review and evaluate ongoing educative programs.

(f) The role of CEP shall be included in the Bishop’s Call documents.

3 GENERAL PROVISIONS

(a) The District shall be responsible for all administrative costs associated with CEP Programs.
(b) Congregations shall be responsible for all other CEP attendance costs including meals, accommodation and travel. The District shall be responsible for all expenses incurred by pastors holding appointed positions in the District or assigned to special duties.

(c) All congregations shall make provision for attendance of the pastor(s) at CEP programs, such attendance forming an integral part of pastoral ministry, training and spiritual enrichment.

(d) CEP attendance shall not constitute part of annual, recuperative or sick leave provisions.

III OFFICERS AND ADMINISTRATION

III.A. GENERAL RULES

1. The term ‘synodical term’ shall refer to the time from the close of one regular Convention to the close of the next regular Convention.

2. Members of the District Church Council may serve on only one Council besides holding office on the District Church Council. No person shall be elected to more than two Councils.

3. The term of office for all Councils, unless specifically excluded by the By-laws, shall be one (1) synodical term. Retiring members shall be eligible for re-election.

4. No parish shall have majority representation on any Council or Committee of the District, although majority representation on Localised Committees may be permitted.

5. Any proposal to appoint an honorary member to a committee shall be submitted to the District Church Council for decision. Any such honorary member shall have consulting status for one synodical term and not be eligible to vote or hold office.

6. Unless the District Church Council determines otherwise, the position held on a committee etc. shall be deemed to be vacant upon:

7. the acceptance of a call by the pastor to another District; or

8. the transfer by a layman of membership to a congregation in another District.

9. The election of an official of the District to a corresponding office in the Lutheran Church of Australia shall render vacant his office in the District.

10. Any official, officer, council or committee member who ceases to hold membership in a congregation of the District shall automatically cease to hold such office.

11. The District shall have the right to abolish any office or committee it has established.

12. All official books, records and correspondence of the officials, committees and officers of the District shall remain the property of the District.

III.B. BISHOP

1. TERM OF OFFICE

(a) The Bishop shall serve for a term of three (3) synodical terms.

(b) Election of the Bishop shall take place at the regular Convention coinciding with the conclusion of each term of office.
(c) The term of office of the Bishop-elect shall begin at the conclusion of the Convention at which he was elected, and he shall assume his full responsibilities approximately three (3) months after his election, interim arrangements being made by the DCC in consultation with the Bishop-elect.

2 DUTIES

In addition to what is laid down in the By-laws Part A, the duties and rights of the Bishop shall include the following:

(a) In conjunction with the DA to make the necessary final arrangements for all conventions of the District.

(b) To preside at the conventions of the District.

(c) To present his Bishop’s report to the regular Convention.

(d) To see that all resolutions of conventions of the District are carried out.

(e) To represent the District in his official capacity whenever and wherever necessary or to appoint his deputy.

(f) To arrange for the serving of vacant parishes.

(g) To consult with the DCC on pastors to be recommended to call meetings.

(h) To preside at meeting of congregations or parishes convened for the purpose of calling a pastor, or to appoint his deputy.

(i) To consult with the parish concerned to provide for the installation of pastors into new charges.

(j) To exercise at his discretion his official right to attend the meetings of any committee or auxiliary of the District.

(k) To convene, if necessary, the first meeting of a newly-appointed special committee or, for special reasons, a meeting of any committee.

(l) To receive reports from the Zone Counsellors, to advise them in their duties, and to enlist their cooperation in the promotion of the work of the Church and the District.

(m) To receive copies of the annual reports of parishes and congregations.

(n) To veto any resolution or action of a committee or auxiliary which contravenes the Confessions of the Evangelical Lutheran Church, the Constitutions or By-laws of the Church and District, or direction of any Convention of the District.

III.C. SECRETARY OF THE DISTRICT

1. The DA shall act as Secretary of the District.

2. In the absence of the appointment of a DA, the Bishop shall appoint a Secretary of the District.

3. The duties of the Secretary shall be:

(a) to keep an accurate roll of all pastors and all full-time Church workers and of all congregations in the District, publish any withdrawal of a congregation from the District and inform the General Secretary of any changes in or additions to the roll of pastors, full-time Church workers and congregations;

(b) to prepare in conjunction with the Chairman of DCC the agenda for DCC meetings;
(c) to attend DCC meetings, keep an accurate record of the minutes of DCC and joint meetings of committees which include DCC and, as soon as possible after each meeting inform responsible bodies and individuals of resolutions affecting them;

(d) to attend to all correspondence not requiring attention by the Bishop and maintain all correspondence files;

(e) to maintain records and custody of securities, titles and other legal documents;

(f) to attend to such other duties as the District any determine from time to time.

III.D. DISTRICT ADMINISTRATOR

1. In addition to what is laid down in the By-Laws Part A.VIII.3., the duties of the DA shall include, but not be limited to Management of all administrative functions required by the District, including statutory, compliance, registration, accreditation, reporting, financial, assets, investments, fundraising appeals, grants and donations, legal, property, personnel, insurance, and other administration and documentation matters of the District, including maintain relationships with administrators of affiliated entities of the District.

III.E. AUDITOR

1. The DCC shall appoint a qualified Auditor, who shall perform those duties which are laid down in these By-laws or as required by the Administrative Support Committee.

2. The duties of the Auditor shall include the following:

   (a) See that the books and accounts of the District are kept in accordance with accepted accounting practice.

   (b) Conduct a continuous audit of books and accounts of the Treasurer, to audit the annual statements of account and balance sheet, and report thereon.

   (c) When required by the Administrative Support Committee or the DCC to audit the books and accounts of any fund under the control of the District.

III.F. VACANT PARISH

1. The Bishop shall see that a vacant parish is adequately served and the parish shall provide the necessary finance.

2. In the event of a pastor’s incapacity due to illness, the Bishop shall make appropriate arrangements for the serving of the parish and the finance shall be provided by the LCA Provident Fund.

3. A pastor serving as a locum tenens shall be accountable to the Bishop.

III.G. USE OF THE DISTRICT SEAL

1. The DCC for the time being of the District shall have the custody and the use of the common seal of the District and a majority of the members of such Council or a majority of the members of a Convention of Synod shall have power to use or direct the use of such seal for all purposes for which the use of the seal is required.
2. The seal shall not be affixed otherwise than pursuant to a resolution of a majority of either the DCC or a Convention of Synod; and any two members of the DCC shall sign their names to the documents to which the seal has been affixed.

IV. RULES FOR COUNCILS AND COMMITTEES

IV.A. DEFINITIONS
1. A Standing Committee is any committee, whether elected by Convention or appointed by the District Church Council, which is listed in these By-laws.
2. The council of the District elected by Convention shall be the District Church Council (DCC).
3. The councils of the District elected in part by Convention and in part by DCC shall be:
   (a) Council for Ministry Support (CMS).
   (b) Council for Lutheran Education South Eastern Region LEVNT
4. The DCC may appoint councils and committees from time to time to fulfill the objects of the District in accordance with the Constitution Section III.

IV.B. GENERAL RULES
1. All councils or committees shall act in accordance with the general rules of the District and in compliance with the rules of the Church.
2. A council or committee may appoint a sub-committee which may include personnel who are not members of the council or committee, provided such appointments are in accord with its terms of reference. Such personnel shall be regarded as consultative members of the council or committee.
3. As far as is possible, persons elected or appointed to committees shall be members of the LCA. If a position on a committee cannot be met from within the LCA, such as when specific expertise is required or where it is desirable to have representation from a particular section of the community that is being served, the governing Council may appoint a non-Lutheran member on the following conditions:
   (a) Not more than three (3) or a maximum of 25%, whichever is the lesser of the total membership of the governing body of a Lutheran Aged Care facility
   (b) not more than two (2) or a maximum of 20%, whichever is the lesser of the total membership of the governing body of other bodies,
   (c) such persons shall be practising members of a Christian congregation; and
   (d) such persons may not hold the positions of Chair, Vice-Chair or Secretary nor vote on constitutional or confessional issues.
4. A council or committee shall define the duties of its sub-committees and personnel subject to the approval of its governing Council. The council or committee shall have general supervision over its sub-committee and personnel and receive regular reports from them.

IV.C. CONVENING OF COUNCILS AND COMMITTEES
1. The current Chairman of a Council or Committee shall convene a meeting of the relevant entity as soon as possible after a Convention of Synod. In the
event of a body having no Chairman, the District Bishop shall cause the relevant body to meet.

2. Unless such power is vested in the DCC or other entity, the Committee shall elect at the first meeting after a Convention of Synod, a Chairman (if not already determined by Terms of Reference), and secretary and any other such officers as deemed necessary for the efficient conduct of business.

3. Members of the above mentioned bodies, who are appointed or elected, shall as a general rule serve for a period of not more than twelve (12) years. Members may, in exceptional circumstances, seek approval from DCC for re-election at a Convention of Synod for one (1) additional synodical term.

4. One-half of the members of a council or committee shall constitute a quorum.

5. A special meeting desired by any two (2) members of a council or committee shall be called by the secretary of the council or committee within fourteen (14) days of receiving a written request, giving reasons, such reasons being communicated to all members of the council or committee.

6. A member of a council or committee who is absent for two (2) consecutive meetings without a valid and acceptable excuse shall forfeit his seat on such council or committee.

7. THE CHAIRPERSONS OF COUNCILS and COMMITTEES
   The duties of the Chairman of a council or committee shall be to
   (a) arrange, together with the secretary, for meetings of the committee;
   (b) preside at meetings of the committee. In the absence of the Chairman of a committee, the vice-Chairman shall preside; or if there be no vice-Chairman, a Chairman shall be appointed by the meeting for that meeting;
   (c) ensure that all resolutions of the committee are carried out; and
   (d) present an annual report for approval by the committee before its submission to the regular Convention of the District. The report shall include its proposed work program with accompanying estimates for the coming year.

8. THE SECRETARIES OF COUNCILS and COMMITTEES
   The duties of the secretary of a council or committee shall be to
   (a) notify all members of the council or committee of the time and place of meetings;
   (b) keep a faithful record of all minutes of meetings;
   (c) receive and to attend to all correspondence; and
   (d) prepare an agenda for council or committee meetings.

9. THE TREASURERS OF COUNCILS and COMMITTEES
   The duties of the treasurer of a council or committee shall be to
   (a) keep a true record of all monies received and dispersed;
   (b) make payments authorised by the committee;
   (c) furnish statements of receipts and expenditure at each meeting of the council or committee; and
(d) submit annually an audited statement of income and expenditure and, where applicable, a balance sheet to the District Office.

10. FINANCIAL CONTROL
(a) A council or committee shall not use money provided for specific budget items for any other purpose without the express permission and prior approval of its governing Council.
(b) A council or committee shall seek the sanction of the DCC, through its governing Council, before making any financial appeal in the District.
(c) If a council or committee keeps its own financial records, it shall appoint a qualified auditor.

11. CONFLICT OF INTEREST
DCC shall abide by the governing rules and policies of the LCA in regard to conflict of interest.

REPORTING
(a) Any council or committee appointed by DCC from time to time shall provide copies of complete minutes of its meetings to the DCC.
(b) A council or committee shall submit a report to the regular Convention, through its governing Council. This report should include:
   (i) A record of activities from the past synodical term in relation to planned objectives;
   (ii) Audited financial statements for the past synodical term, including a balance sheet if applicable, and an indication of monies budgeted for but not spent; and
   (iii) Details of its proposed work program for the forthcoming synodical term, with accompanying estimates of capital, operating costs and income for the next synodical term.

IV.D. DISTRICT CHURCH COUNCIL
1. NAME
The name of the Council shall be the District Church Council (hereafter called ‘DCC’).

2. MEMBERSHIP
(a) The membership of DCC shall consist of
   (i) the District Bishop, the Chairman of Pastors’ Conference, two (2) pastors and six (6) lay persons, all of whom shall be elected by Convention;
   (ii) a representative of the Council for Ministry Support;
   (iii) a representative for Lutheran Education South Eastern Region, and
(b) If as a result of the synodical election process, one or more of the major zones are not represented on DCC, the DCC shall at the first available meeting appoint a representative from such zone(s). The appointed representative(s) shall have full voting rights, serve for the full synodical
term, and shall, in every respect, fulfil the role and duties expected of DCC membership.

(c) The term of office for all elected members, except the District Bishop, shall be for one synodical term. Retiring members shall be eligible for re-election but they would not normally serve for more than twelve (12) years.

3. OFFICERS and APPOINTMENTS

(a) The Chairman of DCC shall be elected for the synodical term at the first meeting following a Convention of Synod.

(b) The election of Chairman shall be conducted by the District Bishop who shall determine whether voting be by ballot or show of hands.

(c) Should a pastor hold the office of Chairman, the position shall fall vacant immediately upon acceptance by that pastor of a call to another District of the Church. In the event of a vacancy, DCC must elect a replacement at its next meeting.

4. MEETINGS

(a) Meetings of DCC and the DCC internal elections shall be conducted in accordance with the By-laws of the Church.

(b) The DCC shall meet at least six (6) times each calendar year. The District Bishop or the Chairman of DCC shall call meetings, or when three (3) or more members of DCC demand a meeting. In the event of three (3) members of DCC demanding a meeting, such meeting shall be held within a period of three (3) weeks from the date the demand was made.

5. DUTIES

The duties of DCC shall be to

(a) act as Synod between Conventions of Synod as determined by the constitution and by-laws of the District, and appropriate terms of reference;

(b) appoint, when required, individuals, ad-hoc committees, advisory bodies or task forces to provide specialist reports, feasibility studies or specific advice. Terms of reference for the above must be agreed to prior to any appointment being made. All reports or advice shall be provided to each member of DCC upon receipt of it by the Chairman;

(c) ensure that the program of the Church and its policies are carried out and that Lutheran dogma and theological practice are strictly adhered to;

(d) receive a report of each governing Council, each congregation and parish and any other committee of the District, taking such action deemed appropriate in terms of direction, advice, recommendation, assistance or counselling;

(e) take whatever steps believed necessary to enhance efficiency in the administration of the District, District office, and promotion of the objects of the District and Church;

(f) attend to the work of Synod through the Departments;

(g) submit to a Convention of Synod for adoption a proposed budget for the next synodical term making necessary recommendations for the ministry of the Church and the administration of the District;

(h) specifically recommend to a Convention of Synod for adoption any major new financial initiative or capital expenditure;
(i) provide to a Convention of Synod a detailed report of its immediate past synodical term actions, decisions and matters of relevance to the Convention;

(j) provide to a Convention of Synod for adoption a comprehensive report of strategic plans for the ensuing synodical term;

(k) be responsible for the employment of the Directors/Coordinators of Department or Ministry areas as may exist from time to time;

(l) appoint a DA as prescribed in VIII.1 of the Constitution and delegate to the DA the responsibility for the employment of general office staff, in consultation with the District Bishop;

(m) make appointments, where prescribed by the By-laws, to any standing committees and advisory committees and councils of the District within eight (8) weeks following a regular Convention of Synod after having considered a report, where appropriate, from the Council, and the Electoral Committee; and

(n) fill, at its discretion, a vacancy on a standing committee or advisory committee when a casual vacancy occurs.

6. PROVISIONS

DCC has authority to call to attendance at its meetings any office bearer or official representative of any committee, auxiliary, congregation, parish, pastor, school or individual member of the General or District Church, whether in the employ or otherwise of the Church, whenever deemed necessary.

7. CHAIRMAN

The Chairman shall:

(a) preside at all meetings of DCC in accordance with the By-laws of the District and the Church. In the event of a ballot of DCC resulting in a tied vote, the Chairman shall exercise a casting vote. In the absence of the Chairman from a particular meeting, the meeting shall elect an acting Chairman from among those in attendance;

(b) in conjunction with the District Bishop, if the Chairman is not the District Bishop, and with the DA, ensure that appropriate agenda and minutes are prepared and maintained for all meetings of DCC and its various sub-committees;

(c) ensure that Committees/Councils and the Director of Departments of the District report, as required, to meetings of DCC;

(d) be responsible to DCC in all matters;

(e) in close liaison with the DA, and together with the District Bishop, have interest in all matters of District administration (while neither the Chairman nor the District Bishop has direct responsibility for same) and the employment of District office staff and their accommodation;

(f) Representing DCC, ensure all elected and appointed office-bearers execute their duties and responsibilities in a timely and Christ-centred manner and in accordance with appropriate Terms of Reference or duties as determined from time to time.

(g) On behalf of DCC, the Chairman, if not the District Bishop, shall have concern for the physical and material well-being of the District Bishop and his family.
(h) be the DCC reporting liaison for the:
(i) Constitutions Committee,
(j) Electoral Committee;
(k) attend to other such representative duties as may from time to time be required by DCC or District Bishop.

IV.E. CONSTITUTIONS COMMITTEE

1. NAME

   The name of the Committee shall be the Constitutions Committee.

2. MEMBERSHIP

   (a) The membership of the Committee shall consist of three (3) persons, at least two (2) of whom shall be lay persons. The Committee shall consult with the Bishop for advice on issues of doctrine and faith that may arise from time to time.

   (b) All members shall be appointed by DCC for one (1) synodical term. Retiring members shall be eligible for re-appointment.

   (c) The DA shall serve as a consultant to the Committee.

   (d) The Chairman of the Committee shall be elected by the Committee at its first meeting after Convention of Synod.

3. DISTRICT RELATIONSHIP

   (a) The Constitutions Committee is a committee of the District and shall liaise with the DCC Chairman and report to DCC.

   (b) All congregations and organizations of the District shall co-operate with the Committee in its work as per IV.1(e) of the ByLaws Part B.

4. DUTIES

   The Committee shall

   (a) have an on-going commitment to review the District constitution and by-laws, the terms of reference of all committees, boards and auxiliaries of the District and constitutions and by-laws of each congregation, parish, school, institution or auxiliary;

   (b) advise any Convention of Synod, DCC, congregations, parishes, schools, institutions, committees and auxiliaries on constitutional matters and procedure; and

   (c) provide advice and assistance when required by any District body in the drafting or amendment of by-laws, terms of reference, rules or like provision.

IV.F. ELECTORAL COMMITTEE

1. NAME

   The name of the Committee shall be the Electoral Committee.

2. MEMBERSHIP

   (a) Members of the Electoral Committee shall be appointed by DCC.
(b) Membership shall comprise four (4) persons, one nominated by the DCC, one (1) person nominated by the CLESER, and two (2) persons nominated by CMS. Members shall be appointed for the synodical term and be eligible for re-election.

3. DISTRICT RELATIONSHIP

The Electoral Committee is a committee of the District and shall liaise with the DCC Chairman and report to the DCC.

4. DUTIES

The duties of the Electoral Committee shall be to

(a) seek nominations with relevant information from throughout the District by written advice to all congregations advising of known and potential vacancies, and brief advice on other committee and office bearer positions due for election;

(b) ensure, wherever possible, sufficient nominations are received to fill all vacancies, and list such nominations if possible in the agenda and book of reports for Convention of Synod or as supplementary material distributed to delegates prior to the elections;

(c) ensure all nominees agree to the nomination, and seek to provide to delegates a statement of the nominee’s congregational membership, age, occupation or profession; (Note: It is the responsibility of the nominee to provide the above details as they see fit);

(d) ensure the conduct of all synodical elections is in accordance with the By-laws including the preparation of ballot papers;

(e) count votes for all elections according to the preferential system, unless Convention of Synod determines otherwise by resolution. Ballot results shall be announced to Convention of Synod at the first available opportunity by a member of the committee, or of DCC if appropriate; and

(f) appoint tellers and scrutineers as are required to conduct elections.

5. PROVISIONS

The Electoral Committee convenor will ensure accurate records of election results are maintained with details advised to the Chairman of DCC at the close of Convention of Synod. All ballot papers shall be retained by the convenor for a period of four (4) weeks after the close of Convention of Synod and shall then be destroyed.

6. ELECTION DISPUTE RESOLUTION

(a) In the event of a disputed election result, an investigation shall be undertaken by the DCC whose decision shall be final. Any individual who believes there is just cause to dispute an election result must, within a period of three (3) weeks following the close of a Convention of Synod, advise the Chairman of DCC in writing of the grievance.

(b) The appropriate ballot papers shall be retained until the decision of the DCC investigation has been reached and the person who has advised of the grievance is advised of the outcome.

IV.G. COUNCIL FOR MINISTRY SUPPORT

1. NAME
The name of the Council shall be the Council for Ministry Support (CMS).

2. OBJECTS

The objects of the CMS shall be:

(a) To promote the objects of the Lutheran Church of Australia and of the Victorian District (see appendix ‘A’), Article III. Objects; and

(b) To assist congregations of the District to promote their objects (see appendix ‘B’). Congregation Constitution Article IV. Objects.

3. DISTRICT RELATIONSHIP

The Council for Ministry Support is a Committee of the District and is accountable to and reports to DCC.

4. MEMBERSHIP

(a) The Council shall consist of eight (8) persons:

(i) two (2) pastors and six (6) lay persons:

(ii) one (1) pastor and three (3) lay persons elected by a Convention of Synod;

(iii) one (1) pastor and three (3) lay persons appointed by DCC after consideration of the recommendations of the Council and a report from the Electoral Committee.

(b) The term of service for all members shall be one District synodical term of two (2) calendar years, commencing on 1st January following the Convention of Synod.

(c) Retiring members shall be eligible for re-election, but they shall not normally serve for more than twelve (12) years.

(d) Executive personnel shall serve as consultants, without voting rights, to the Council.

5. OFFICERS and APPOINTMENTS

(a) The Council members elected by a District Convention of Synod shall, as soon as practical following Convention, but not later than four (4) weeks after such Convention, recommend to DCC additional persons for appointment.

(b) The Council shall elect a Chairman from within its membership at its first full meeting following Convention of Synod. The Chairman shall be elected for the synodical term and be eligible for re-election but would not normally serve for more than three (3) consecutive terms.

(c) Should a pastor hold the office of Chairman, the position shall become vacant immediately upon acceptance by that pastor of a call to another District of the Church.

(d) Should the office of Chairman become vacant the Council must elect a replacement at its next meeting.

(e) The Council may elect a Vice-Chairman, a Secretary and other officer bearers from within its membership at its first full meeting following Convention of Synod. The persons elected shall serve for the synodical term and be eligible for re-election.
(f) The Council may elect an Executive Committee comprising office bearers, together with such other persons as the Council determines.

(g) The Council may appoint sub-committees, task forces, or consultants as necessary to fulfil its objects and where prescribed nominate appointments for consideration by DCC.

(h) The Council shall appoint all sub-committees, Boards, Councils and Committees that are under the Council’s area of oversight as soon as practical after a regular Convention of Synod. As a general rule, such appointments shall be for a term of two (2) years from the commencement of the new calendar year after the Convention of Synod.

6. DUTIES

The duties of the Council shall be to

(a) work cooperatively with the District Bishop, DCC, and the Council for Lutheran Education South Eastern Region (CLESER) so that a coordinated and homogeneous approach to mission and ministry within the District occurs;

(b) develop and present a draft Mission Plan incorporating an Annual Plan and Budget for consideration by DCC;

(c) implement the Council’s approved Mission Plan and Annual Plan;

(d) ensure that congregational ministry resources are evaluated and pastors and congregations briefed as to appropriate use; and

(e) analyse and interpret the results of the District’s annual statistical return and to submit a report to District Synod, through DCC.

7. MEETINGS

The Council shall meet as often as is necessary and not less than eight (8) times per year.

8. ACCOUNTS

(a) The DA shall keep such books of account as are necessary for the proper and efficient functioning of the Council.

(b) The books of account shall be and remain the property of the District.

(c) The Council shall be responsible for financial planning, budgeting and reporting as is necessary within its areas of responsibility and as established by its approved Mission and Annual Plan.

9. RULES

The Council shall be governed by the policies and procedures of the District.

IV.H. COMMITTEE FOR CHILD, YOUTH and FAMILY MINISTRY

1. NAME

The name of the Committee is the Committee for Child, Youth and Family Ministry (CCYFM).

2. OBJECTS

The objects of the Committee are to:

(a) promote the objects of the Church:
(b) support and oversee the District’s mission and ministry to children, youth and families, and advocate and present the needs and contributions of the ministry to children, youth and families to the Church;

(c) directly support congregations in their mission and ministry to children, youth and families within their local context, including to provide support for the leadership and lay workers (in particular Interns) within congregations who are involved in ministry to children, youth and families;

(d) offer resources and programs that may not be able to be provided within the congregational setting (eg: youth camping programs);

(e) encourage, equip, empower and network congregations as they explore innovative approaches in child, youth and family ministry, seeking to disciple every baptised child into active adult life in the church;

(f) promote and provide training for young persons for leadership roles in congregational, District, and national levels of the Church;

(g) promote the unique Lutheran perspective on matters of faith and life;

(h) work cooperatively with other Councils and Committees of the District so as to maximize the Church’s resources.

3. DISTRICT RELATIONSHIP

The CCYFM is a sub-committee of CMS and is accountable to and reports to CMS.

4. DUTIES

The Committee shall

(a) be responsible for the day-to-day oversight and management of the District’s ministry to children, youth and families;

(b) assist congregations of the District to develop and foster ministry to children, youth and families in their geographical area;

(c) establish, encourage, equip, train and empower ministry teams to assist the achievement of the objects of ministry to children, youth and families;

(d) provide a range of camp ministry opportunities that cannot be facilitated by a congregation;

(e) support the work of the Pastor for Youth and Young Adult Ministry;

(f) make recommendations to the Council regarding the appointment of the Pastor for Youth and Young Adult Ministry;

(g) assist the Council in regular performance appraisal of the Pastor for Youth and Young Adult Ministry according to District policy;

(h) present at the beginning of every calendar year a strategic plan, 12-month operating plan and budget for approval by the Council;

(i) manage the finances of CCYFM, including the District’s “Coordinator for Youth Ministry Fund” and establish funding streams that are supportive of the on-going ministry;

(j) develop appropriate policies for ministry to children, youth and families according to the practice of the Church;

(k) identify and nominate suitable members of Lutheran congregations for appointment to the Committee by the Council;
Constitution of the Lutheran Church of Australia Victorian District (including Tasmania)

5. MEMBERSHIP
   (a) The CCYFM consists of eleven (11) roles with the Coordinator as chair. Each member will have a specific portfolio of responsibility, based on the key functions of the CCYFM:
      - Coordinator for CCYFM (Chair)
      - Camp Coordinator
      - Administration Coordinator
      - Finance Coordinator
      - Fundraising & Sponsorship Coordinator
      - Communications Coordinator
      - Missions Coordinator
      - Family Ministry Advocate (Children’s Ministry)
      - Family Ministry Advocate (Adolescent Ministry)
      - Committee Pastor
      - Pastor for Youth and Young Adult Ministry
   (b) The CCYFM will be appointed on a biennial basis by the CMS for a two-year term. Half the Committee will retire from service on the even year, with the remaining retiring on the odd year. Retiring members shall be eligible for re-appointment.
   (c) The members of Committee due for appointment will be appointed for their two-year term by 1st July, with their term ending on 30th June, twenty-four (24) months later.

6. MEETINGS
   The CCYFM will meet at least once every six (6) weeks and more regularly during peak periods as determined by the Coordinator. A quorum will consist of 60% of serving members.

IV.I. COUNCIL FOR LUTHERAN COMMUNITY CARE (VICTORIA)

1. NAME
   The name of the Council shall be the Council for Lutheran Community Care (Victoria) [hereinafter called the CLCC]

2. OBJECTS
   The objects of the Council shall be to
(a) provide information and education, by means of sermons, talks, dialogues, seminars and workshops, in order to assist congregations and individuals to understand their commitment, through their faith in Jesus Christ, to one another;

(b) assist congregations of the District to provide spiritual, emotional, relational, and physical care for people who are in need, including families; children; youth and young persons; the ageing; persons who are separated from their families or normal support networks by virtue of being placed in institutional settings, such as hospitals, correctional institutions, homes for the ageing, or other specialist facilities, and any other persons who need and seek assistance from the Church; and

(c) ensure that all activities for which the Council has oversight meet appropriate legal, financial, operational requirements, and the policies and guidelines of the District.

3. DISTRICT RELATIONSHIP

The Council for Lutheran Community Care is a Committee of CMS and is accountable to and reports to CMS.

4. MEMBERSHIP

(a) The membership of the Council shall consist of two (2) pastors and six (6) laypersons; all of whom shall be members of the Council for Ministry Support.

(b) All members shall be appointed by DCC for one (1) synodical term. Retiring members shall be eligible for re-appointment.

(c) The Chairman of the Council shall be the Chairman of the Council for Ministry Support.

5. DUTIES

The duties of the Council shall be to

(a) represent the District in its Community Care programs;

(b) liaise with State and Commonwealth Departments and District and Parish committees in the pursuit of the objects of the Council;

(c) assist congregations with the development and operation of caring ministries through the provision of financial and other resources;

(d) receive donations and use them in order that the Objects of the Council are achieved, where possible as designated by donors in accordance with the Australian Tax Office provisions as they apply to the Council's Gift Fund; and

(e) process applications for funding of caring ministries, services and programs that are consistent with the objects of the Council.

6. COMMITTEES

(a) The Council may, with the consent of the District, establish Committees and subject to these Rules may appoint and remove or make provision for the appointment and removal of Committee members.

(b) The members of each Committee shall be the members of the Council for Ministry Support.

(c) The functions of each Committee will be as defined in the Committee's own Rules adopted by the Council and approved by the District.
(d) The Rules may specify
   (i) the manner in which proceedings of the Committee are to be conducted;
   (ii) the matters to which the Committee must have regard in carrying out its functions; and
   (ii) any other matters as the Council decides.

7. MEETINGS
   The Council shall meet at least twice each year and at other times as required in order to undertake its duties.

8. BOOKS OF ACCOUNTS AND RECORDS
   (a) There shall be a Gift Fund for the Council for Lutheran Community Care (Victoria)
       (i) which shall be maintained and used for the principal purpose of the Council for Lutheran Community Care (Victoria);
       (ii) to which all gifts of money or property for the principal purpose of the Council for Lutheran Community Care (Victoria) shall be credited;
       (ii) which shall receive no other moneys or property; and
       (iii) in the event of the winding up of the Council for Lutheran Community Care (Victoria) or the revocation of DGR endorsement, whichever is earlier, the surplus assets of which shall be transferred to another gift deductible fund of an institution having objects similar to the objects of the Council being an institution that is described in Item 1, 2 or 4 of the Table in Section 30-15 of the Income Tax Assessment Act 1997 (Cth).
   (b) Such books of account shall be kept as are necessary for the proper and efficient functioning of the Council provided that any money received for the Gift Fund shall be at all times identified and recorded as so received by the Council.
   (c) All receipts issued with respect to monies donated to the Gift Fund shall note the full name of the Gift Fund.
   (d) The Council shall be able to demonstrate that the Gift Fund is being used for the principal purpose of the Council for Lutheran Community Care (Victoria).
   (e) The DA shall keep all books of accounts under the name of the Council for Lutheran Community Care (Victoria).
   (f) The books of account shall be and remain the property of the District and shall be audited at least annually.

9. ALTERATIONS TO RULES
   The Objects may be altered at any meeting of the DCC except that the Objects may not be altered if such alteration is inconsistent with the endorsement of the Council’s Gift Fund pursuant to item 4.1.1 of section 30-45 of subdivision 30-B of the Income Tax Assessment Act 1997 or with any Gift Fund of a Committee.

10. NOT FOR PROFIT
(a) The income and property of the Council for Lutheran Community Care (Victoria) must be used to further the charitable purposes set out in the Objects. Income or property must not be paid or transferred directly or indirectly to members of Council either while the Council for Lutheran Community Care (Victoria) is operating or being wound up.

(b) Notwithstanding paragraph 11.a, payment in good faith of remuneration to any officer or employee of the Council for Lutheran Community Care (Victoria) may be made. Repayment of out-of-pocket expenses may be made to any such employee or to any member of Council.

11. DISSOLUTION

If on winding up of the Council for Lutheran Community Care (Victoria) there remains after all of its debts and liabilities any property whatsoever, the same shall not be paid to or distributed amongst the members of the District but shall be distributed to such other institution or institutions which have objects similar to the objects of the Council for Lutheran Community Care (Victoria) being an institution that is described in Item 1, 2 or 4 of the Table in Section 30-15 of the Income Tax Assessment Act 1997 (Cth).

IV.J. THIS ‘n THAT COMMUNITY STORE

1. NAME

The name of the Committee shall be the Committee of Management (herein called ‘the TnTC’) of This ‘n That Community Store (herein called the 'Store').

2. OBJECTS

The Objects of the Committee shall be to

(a) ensure that the activities of the Store meet appropriate legal, financial and operational requirements, as well as the policies and guidelines of the District;

(b) ensure that the Store is conducted as an appropriate and self-sufficient enterprise of the District in order to

(i) provide a regular source of income to support the ministry of the District;

(ii) project a positive public face of the Church to the wider community; and

(iii) promote the ministry of the Church to the wider community.

3. DISTRICT RELATIONSHIP

The Committee is a Committee of the Council for Lutheran Community Care Victoria and is accountable to and reports to CMS.

4. MEMBERSHIP, APPOINTMENT, CONSULTANCY

(a) The Store shall be managed by a Committee which shall consist of not more than five (5) persons.

(b) The Committee shall be accountable to the Council.

(c) The Committee shall be appointed by the Council after consideration of any nominations recommended by the Committee.

(d) All members shall be appointed for one (1) synodical term, commencing on 1st January following the Convention of the District Synod. Retiring
members shall be eligible for re-appointment but they would not normally serve for more than twelve (12) years.

(e) The Pastor for Service and Witness (the ‘Pastor’) shall be an ex officio member of the Committee who will provide advice and counsel as the need arises on issues of public teaching, practice and policy of the Church relevant to the Committee’s agenda.

(f) The Pastor shall attend and participate at meetings of the Committee,

(g) upon his own initiative,

(h) upon the invitation of the Committee,

(i) upon the direction of the Council.

(j) In the event of a casual vacancy occurring, the Council shall appoint a replacement to serve for the remainder of the term.

(k) The Store Manager shall be a consultant, without voting rights, to the Committee.

(l) All members of the Committee shall be communing members of the Church, as defined in the Constitution and By-Laws of the Church.

5. OFFICERS

The duties of the Chairman shall be:

(a) To chair Committee meetings;

(b) To prepare agendas and arrange for meetings of the Committee in consultation with the Secretary;

(c) To ensure that all resolutions of the Committee are carried out;

(d) To act as a spokesperson for the Committee;

(e) To ensure that the Committee’s members know and carry out their duties;

(f) To encourage and support the members of the Committee so that all members have opportunity to contribute according to their gifts, abilities, and particular interests; and

(g) To liaise and consult regularly with the Store Manager so as to make the committee aware of any operational issues that arise.

The duties of the Secretary shall be:

(h) To notify all members of the Committee of the time, date, purpose and venue of meetings;

(i) To ensure that the business and decisions of all meetings are accurately minuted;

(j) To receive and attend to correspondence as directed by the Committee;

(k) To ensure that all members of the Committee and the Council receive an accurate copy of the minutes of all meetings as soon as possible after each meeting; and

(l) To assist the Chairman in preparing agendas for meetings.

The duties of the Treasurer shall be:

(m) To be responsible for the accurate keeping of all accounts of the Store;

(n) To be responsible for making payments as authorised by the Committee;
(o) To prepare an accurate and contemporary statement of receipts and expenditure to each meeting of the Committee and at other times as directed by the Committee; and

(p) To submit the books of account for audit as required and/or directed by the Committee or Council.

6. DUTIES

The duties of the Committee shall be to

(a) elect from its members at the first meeting of each new synodical term a Chairman, a Secretary, a Treasurer, and other office bearers as necessary in order to carry out its objects;

(b) determine policies, procedures and rules that shall be consistent with Christian principles for the good order of the Store and the wellbeing of staff and patrons of the Store and ensure that they are implemented;

(c) maintain an Operating Procedures manual that contains all policies, procedures guidelines and rules;

(d) appoint a Store Manager who shall be responsible for the day-to-day operations of the Store in accordance with the procedures and policies as determined by the Committee from time to time;

(e) appoint, in consultation with the Store Manager, one or more Assistant Store Managers who shall perform the normal duties of the Store Manager during the Store Manager’s absence;

(f) oversee the work of the Store Manager, other staff, and volunteers, including the provision of required and/or desirable training;

(g) support the Store Manager, other staff and volunteers through good governance, prayer, counsel, and advocacy;

(h) exercise proper authority, care, and objective criteria when employing or terminating the employment of Store personnel;

(i) appoint a suitably qualified auditor who shall examine thoroughly the books of account and financial statements and vouch for their correctness or otherwise, and advise on any particular aspect of the Store’s finances;

(j) ensure that the facilities and real property of the Store are maintained in good and safe condition at all times;

(k) ensure that all buildings, stock and other assets of the Store are always adequately insured with a reputable insurer/s;

(l) submit, within three (3) months of the end of the financial year, an annual report to the Council that includes

(m) a summary of the Committee’s activities and the operations of the Store for the past year;

(n) audited financial statements for the past year, including a balance sheet and a statement of income of expenditure showing comparisons with budget;

(o) an income and expenditure budget and a capital expenditure budget for the new financial year for adoption by the Council; and

(p) respect and comply with the policies of the Church and the District that are relative to the role and function of the Committee, its members and the Store.
7. DISTRIBUTION OF FUNDS
   (a) Surplus funds, except for those that are required for the normal day to day operations of the Store, are to be distributed monthly to the DA who shall account for them in the books of Lutheran Community Care (Victoria).
   (b) All decisions concerning the distribution of funds raised by the Store shall be made by the Council.
   (c) The Committee may offer suggestions as to particular ministries, programs and projects that might be considered by the Council for an allocation from the funds to be distributed.

8. MEETINGS
   (a) The Committee shall meet at regular intervals and at least five (5) times each calendar year.
   (b) A quorum for all meetings shall be three (3) voting members.

9. NOT FOR PROFIT
   (a) The income and property of the Council must be used to further the charitable purposes set out in the Objects. Income or property must not be paid or transferred directly or indirectly to members of the Council either while the Council is operating or being wound up.
   (b) Notwithstanding paragraph 9.a, payment in good faith of remuneration to any officer or employee of the Council may be made. Repayment of out-of-pocket expenses may be made to any such employee or to any member of the Council.

10. DISSOLUTION
    If on winding up of the Council for Lutheran Community Care (Victoria) there remains after all debts and liabilities have been paid any property whatsoever, the same shall not be paid or distributed amongst the members of the District but shall be distributed to such other institution or institutions which have objects similar to the objects of the Council for Lutheran Community Care (Victoria) being an institution that is described in item 1, 2 or 4 of the Table in Section 30-15 of the Income Tax Assessment Act 1997 (Cth).

11. AMENDMENTS TO TERMS OF REFERENCE
    (a) The Terms of Reference may be altered at any meeting of the DCC except that the Objects may not be altered if such alteration is inconsistent with the endorsement of the Council’s Gift Fund pursuant to item 4.1.1 of section 30-45 of subdivision 30-B of the Income Tax Assessment Act 1997 or with any Gift Fund of a Committee.
    (b) Any proposal to amend the terms of reference shall be submitted to the Council for recommendation to and approval by the DCC.

IV.K. VICTORIAN CAMPING MINISTRY COMMITTEE – to be confirmed

IV.L. EVENTIDE LUTHERAN HOMES (HAMILTON)
1. NAME
   (a) The name of the facility shall be Eventide Lutheran Homes (Eventide).
   (b) Eventide is a facility of the Lutheran Church of Australia Victorian District (ARBN 055 123 692) (the ‘District’).
2. OBJECTIVES

The object of Eventide is to provide high quality residential accommodation and supportive care in a Christian environment to persons assessed as needing residential care because of the effects of ageing or disability, and who can no longer be cared for at home, by

(a) creating a Christian atmosphere where each person’s religious, cultural and ethnic background is respected and the person’s spiritual life is encouraged and supported;

(b) providing for those in residential care, home-like surroundings where each person has the greatest freedom to maintain choice, dignity, independence, privacy and self-esteem; and

(c) being a respected corporate citizen trusted and supported by the local community for its contribution to the welfare of its senior citizens.

3. BOARD OF MANAGEMENT MEMBERSHIP

(a) Eventide shall be managed by a Board of Management (the Board). The Board shall be appointed by the District’s Council for Ministry Support (CMS) after consideration of the recommendations of the Board.

(b) The Board shall consist of one (1) Pastor and at least eight (8) other persons.

(c) Members of the Board may be either members or non-members of the Lutheran Church of Australia (the ‘Church’). However, not more than two (2) or a maximum of 20%, whichever is the lesser, may be non-Lutheran members. Any appointment of non-Lutheran members as voting members shall be made in compliance with Church policy regarding Membership of Governance Boards. (see Appendix ‘A’)

(d) The term of appointment for each Board member shall be two (2) synodical terms each of two (2) calendar years, commencing on the first day of January following the Convention of Synod. As close as possible to one half of the members shall retire at the end of each synodical term. Retiring Board members shall be eligible for reappointment.

(e) A Board member appointed to fill a casual vacancy shall serve for the remaining term of the replaced member and shall be eligible for reappointment at the conclusion of that term.

(f) The Pastor for Service and Witness and an appointed representative of the DCC shall serve as consultants, without voting rights, to the Board and be eligible to attend all meetings of the Board and its sub-committees.

(g) The Board may appoint sub committees for specific purposes from within its membership.

4. DUTIES

The duties of the Board shall be to

(a) govern Eventide, without discrimination, for the benefit of aged person in need of accommodation and care;

(b) ensure that statutory regulations and industry standards are complied with by service providers at all times;

(c) maintain and improve the property within the limits of its financial capacity;
(d) present a detailed budget for Eventide for the ensuing financial year to the District for noting;

(e) submit to the District a statement of income and expenditure at least quarterly, and an audited financial statement as soon as possible after the close of the financial year;

(f) provide policies and procedures for the administration of Eventide as are necessary for its proper running. Copies of such policies and procedures and any subsequent alterations shall be made available to the District as required;

(g) appoint and retire the Chief Executive Officer as required from time to time;

(h) assist the Chief Executive Officer to appoint the Residential Care Services Manager as required from time to time;

(i) receive regular reports from the Chief Executive Officer, the Residential Care Services Manager and any subcommittee that the Board has appointed; and

(j) meet at least bi-monthly.

5. GIFT FUND

(a) There shall be a Gift Fund for Eventide Lutheran Homes

(b) which shall be maintained and used for the principal purpose of Eventide;

(c) to which all gifts of money or property for the principal purpose of Eventide shall be credited;

(d) to which any money received by the entity because of such gift fund shall be credited; and

(e) which shall receive no other moneys or property.

(f) In the event of the winding up of Eventide or the revocation of DGR endorsement, whichever is earlier, the surplus assets of which shall be transferred to another gift deductible fund of an institution that is described in Item 1, 2, or 4 of the Table in Section 30-15 of the Income Tax Assessment Act (Cth) 1997.

(g) The Gift Fund of Eventide must be maintained and used for the principal purpose set out in the Objects of Eventide. The Board shall be able to demonstrate that the Gift Fund is being used for the principal purpose of Eventide.

6. ACCOUNTS

(a) The Board shall keep or cause accounts to be kept in such manner as the Board thinks fit of all receipts and payments, assets and liabilities of Eventide and of all other matters necessary for showing the financial position of Eventide including and provided always that any money received for the Gift Fund shall be at all times separately identified and recorded.

(b) The books of account shall be and remain the property of the District.

7. DISSOLUTION

In the event of Eventide being wound up, any surplus assets remaining after payment of the organization’s liabilities shall be transferred to another
organization in Australia which is a Public Benevolent Institution for the purpose of any Commonwealth Taxation Act.

8. NOT FOR PROFIT

(a) Any assets and income which Eventide makes must be used solely to further the charitable purpose set out in its Objects. Surplus must not be paid or transferred directly or indirectly to members of the Board either while Eventide is operating or is being wound up.

(b) Notwithstanding paragraph 8.a, payment in good faith of remuneration to any officer or employee of Eventide may be made. Repayment of out-of-pocket expenses may be made to any such officer or employee or to any member of the Board.

IV.M. SUNNYSIDE LUTHERAN RETIREMENT VILLAGE (HORSHAM)

1. NAME

(a) The name of the facility shall be Sunnyside Lutheran Retirement Village (‘Sunnyside’).

(b) Sunnyside is a facility of the Lutheran Church of Australia Victorian District (ARBN 055 123 692) (the ‘District’).

2. OBJECTIVES

The object of Sunnyside shall be to provide high quality residential accommodation and supportive care in a Christian environment to persons assessed as needing residential care because of the effects of ageing or disability and who can no longer be cared for at home, by

(a) creating a Christian atmosphere where each person’s religious, cultural and ethnic background is respected and the person’s spiritual life is encouraged and supported;

(b) providing for those in residential care, home-like surroundings where each person has the greatest freedom to maintain choice, dignity, independence, privacy and self-esteem; and

(c) being a respected corporate citizen trusted and supported by the local community for its contribution to the welfare of its senior citizens.

3. BOARD OF MANAGEMENT MEMBERSHIP

(a) Sunnyside shall be managed by a Board of Management (the Board). The Board shall be appointed by the Council for Ministry Support (CMS) after consideration of the recommendations of the Board.

(b) The Board shall consist of one Pastor and at least eight (8) other persons.

(c) Members of the Board may be either members or non-members of the Lutheran Church of Australia (the ‘Church’). However, not more than two (2) or a maximum of 20%, whichever is the lesser, may be non-Lutheran members. Any appointment of non-Lutheran members as voting members shall be made in compliance with Church policy regarding Membership of Governance Boards. (see Appendix ‘A’)

(d) The term of appointment for each Board member shall be two (2) synodical terms each of two (2) calendar years, commencing on the first day of January following the Convention of the Victorian District Synod. As close as possible to one half of the members shall retire at the end of each synodical term. Retiring Board members shall be eligible for reappointment.
(e) A Board member appointed to fill a casual vacancy shall serve for the remaining term of the replaced member, and shall be eligible for reappointment at the conclusion of that term.

(f) The Pastor for Service and Witness and an appointed representative of the DCC shall serve as consultants, without voting rights, to the Board and be eligible to attend all meetings of the Board and its sub-committees.

(g) The Board may appoint sub committees for specific purposes from within its membership.

4. DUTIES

The duties of the Board shall be to

(a) govern Sunnyside, without discrimination, for the benefit of aged persons in need of accommodation and care;

(b) ensure that statutory regulations and industry standards are complied with by service providers at all times;

(c) maintain and improve the property within the limits of its financial capacity;

(d) present a detailed budget for Sunnyside for the ensuing financial year to the District for noting;

(e) submit to the District a statement of income and expenditure at least quarterly, and an audited financial statement as soon as possible after the close of the financial year;

(f) provide policies and procedures for the administration of Sunnyside as are necessary for its proper running. Copies of such policies and procedures and any subsequent alterations shall be made available to the District as required;

(g) appoint and retire the Chief Executive Officer as required from time to time;

(h) assist the Chief Executive Officer to appoint the Manager Residential Care Services as required from time to time;

(i) receive regular reports from the Chief Executive Officer, the Manager Residential Care Services and any subcommittee that the Board has appointed; and

(j) meet at least bi-monthly.

5. GIFT FUND

(a) There shall be a Gift Fund for Sunnyside Lutheran Retirement Village

(i) which shall be maintained and used for the principal purpose of Sunnyside;

(ii) to which all gifts of money or property for the principal purpose of Sunnyside shall be credited;

(iii) to which any money received by the entity because of such gift fund shall be credited; and

(iv) which shall receive no other moneys or property.

(b) In the event of the winding up of Sunnyside or the revocation of DGR endorsement, whichever is earlier, the surplus assets shall be transferred to
another gift deductible fund of an institution that is described in Item 1, 2, or 4 of the Table in Section 30-15 of the Income Tax Assessment Act (Cth) 1997.

(c) The Gift Fund of Sunnyside must be maintained and used for the principal purpose set out in the Objects of Sunnyside. The Board shall be able to demonstrate that the Gift Fund is being used for the principal purpose of Sunnyside.

6. ACCOUNTS

(a) The Board shall keep accounts or cause accounts to be kept in such manner as the Board thinks fit of all receipts and payments, assets and liabilities of Sunnyside and of all other matters necessary for showing the financial position of Sunnyside including and provided always that any money received for the Gift Fund shall be at all times separately identified and recorded.

(b) The books of account shall be and remain the property of the District.

7. DISSOLUTION

In the event of Sunnyside being wound up, any surplus assets remaining after payment of the organization’s liabilities shall be transferred to another organization in Australia which is a Public Benevolent Institution for the purpose of any Commonwealth Taxation Act.

8. NOT FOR PROFIT

(a) Any assets and income which Sunnyside makes must be used solely to further the charitable purpose set out in its Objects. Surplus must not be paid or transferred directly or indirectly to members of the Board either while Sunnyside is operating or is being wound up.

(b) Notwithstanding paragraph 8.a, payment in good faith of remuneration to any officer or employee of Sunnyside may be made. Repayment of out-of-pocket expenses may be made to any such officer or employee or to any member of the Board.

IV.N. COUNCIL FOR LUTHERAN EDUCATION VIC, NSW and TAS (LEVNT)

1. NAME

The name of the Council shall be the Council for Lutheran Education Vic, NSW & Tas (LEVNT).

2. OBJECTS

The objects of LEVNT shall be to:

(a) Glorify the Triune God as the One who initiates, continues and brings to effect the Church’s mission and ministry

(b) Affirm the Church as the Triune God’s unique, chosen people whom he blesses with his presence and through whom he continues and effects his mission of reconciliation and ministry of new life

(c) Promote the mission of the Church in Lutheran schools, colleges, kindergartens and early learning centres (Educational Bodies) of the Church

(d) Promote Educational Bodies as agencies of Christian education in the Victorian and New South Wales Districts of the Lutheran Church of Australia

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(the Districts), and to give guidance in the development and coordination of the educational program of each District in this field

(e) Ensure that Educational Bodies owned and operated by the Districts and by congregations of each District meet appropriate legal, financial, educational and operational requirements

3. MEMBERSHIP

(a) LEVNT shall consist of ten (10) persons and include two members appointed by the New South Wales District all of whom shall be communicant members of the Lutheran Church of Australia.

(b) Membership shall comprise:

(i) Seven (7) members from the Victoria/Tasmania District, one (1) to be elected by the Victorian District Synod, after recommendation by LEVNT and a report from the Electoral Committee, and six (6) to be appointed by the Victorian District Church Council, including one (1) principal and one (1) business manager (from different schools) nominated by Schools Assembly to LEVNT and recommended by LEVNT to Vic/Tas District Church Council

(ii) Two (2) members from the New South Wales District, to be appointed by the New South Wales District Church Council after consideration of the recommendation of the Council and ratified at the next Convention of that District

(iii) One (1) pastor, to be nominated by the Bishops of the Victoria/Tasmania and New South Wales Districts and appointed by the Victorian District Church Council

(c) The nine (9) member representatives as listed in 3.2 (a) and 3.2 (b), (but excluding the nominees of Schools Assembly) shall be selected based on the expertise, skills and background that they can bring to LEVNT and shall include a mix, to the extent practicable, of Education, Financial, Legal, Building/Development, Government, General Management or other specialist skills.

(d) The term of office for all members shall be one Synodical term of two calendar years, commencing on 1st January following the Convention of the Victorian District Synod. Retiring members shall be eligible, where appropriate, for re-election or re-appointment but they would not normally serve for more than ten (10) years unless in exceptional circumstances.

- In the year of a General Synod Convention, the term shall commence as soon as practical, but not more than three (3) months after the District Synod
- LEVNT shall meet at least bi-monthly and for a minimum of six (6) times per annum

(e) Consultants to LEVNT and the Executive, without voting rights, shall include:

- The Executive Director, the Business Manager, Assistant Executive Directors and other executive personnel as determined by LEVNT from time to time
- The Bishops of the Victorian/Tasmania and New South Wales Districts
(f) In the event of a casual vacancy occurring, the respective District shall appoint a replacement to serve for the remainder of the term taking into account any recommendation from LEVNT.

4. OFFICERS AND APPOINTMENTS

(a) LEVNT shall elect a Chairperson at its first full meeting in the year following the Convention of the Victorian District Synod. The chairperson shall be elected for the Synodical term and be eligible for re-election. Should a Pastor hold the office of Chairperson, the position shall fall vacant immediately upon acceptance by that Pastor of a call to another district of the Church. Should the office of Chairperson otherwise fall vacant, LEVNT shall elect a replacement at its next meeting.

(b) LEVNT shall elect a Vice Chairperson and a Secretary at its first full meeting after the Convention of the Victorian District Synod. The persons elected shall serve for the Synodical term and shall be eligible for re-election.

(c) LEVNT may elect an Executive Committee that shall, if practical, be representative of both Districts and consist of the Chairperson, Vice-Chairperson, Secretary and at least one (1) other person.

(d) Board for Lutheran Education Australia representative – LEVNT shall recommend to Victorian District Church Council, for approval, a representative from within LEVNT.

(e) LEVNT may appoint standing committees, e.g. Mission and Ministry, Business and Education, as deemed necessary to fulfill its objects. Each committee shall be chaired by a member of the LEVNT and include persons with appropriate skills and expertise for that particular committee's tasks.

(f) LEVNT may appoint sub-committees and task forces as necessary to fulfill its objects and where prescribed, nominate appointments for District Church Council consideration.

5. ROLES AND RESPONSIBILITIES

Background

Lutheran Education South Eastern Region (LESER) is made up of Educational Bodies within the Victoria District [including Tasmania] and the New South Wales District and operates under a Term of Reference approved by each District.

LESER is comprised of LEVNT, the Executive Director and the LESER staff.

The purpose of this Section 5 is to improve clarity and the definition of roles and responsibilities of the Districts, LEVNT and LESER.

The Roles and Responsibilities shall be:

(a) The Districts

The Victoria and New South Wales Districts receive reports from LESER concerning the activities of the Educational Bodies within its District and the activity of LEVNT. Each District may make resolutions concerning the operation of Educational Bodies within its District, having taken advice from its District Church Council and LEVNT. The Districts delegate responsibility for oversight of educational bodies to LEVNT.

(b) The District Church Council

The District Church Councils operate on behalf of their respective Districts between regular conventions. They recommend policies to the Districts and enact the policies of the Districts.
In regard to the relationship between a District Church Council, LEVNT and the Educational Bodies within the District, the District Church Council:

Executes documents required to be signed under Seal that bind the District to a legally enforceable obligation

- Sets borrowing limits for the Educational Bodies on the recommendation of LEVNT
- Victorian District Church Council only will appoint or remove the Executive Director, taking into account any recommendation from LEVNT
- Approves the LESER Budget on the recommendation of LEVNT
- Approves new borrowings of Educational Bodies on the recommendation of LEVNT
- Considers recommendations from LEVNT in relation to the establishment or development or closure of the Educational Bodies
- Receives reports from LEVNT through the Chairperson and/or Executive Director
- Delegates to LEVNT the responsibility to ensure that Educational Bodies owned and operated by the District and by congregations of the District meet appropriate Church, legal, financial, educational and operational requirements
- Victorian District Church Council only is responsible for all risk and legal liability for LEVNT and LESER and
- Is responsible for all risks and legal liability for the Educational Bodies within its District.

(c) The Council for Lutheran Education South Eastern Region (LEVNT)

LEVNT operates on behalf of the Districts assisting and ensuring the Educational Bodies are authentically Lutheran, educationally sound and financially viable by:

(i) Policy Direction and Compliance

Developing and providing guidelines and policies for Educational Bodies in relation to Lutheran education and where appropriate, policies of Lutheran Education Australia

- Formulating funding policies for systemic Educational Bodies
- Developing strategic initiatives for the region and the secretariat
- Consulting with principals, teachers, Educational Body councils, Schools Assembly and any other interested groups in developing recommendations on significant policy changes
- Delegating to the Executive Director the responsibility of actioning the policies and decisions of LEVNT
- Concerning itself with all aspects of workplace or industrial relations that are likely to have an impact on Educational Bodies
- Making recommendations to the relative District Church Council in relation to the establishment, development or closure of Educational Bodies and applications from Educational Bodies or District grants and Church loans.
(ii) Staffing

- Making recommendations to the District Church Councils on the appointment of the Executive Director
- Advising Educational Bodies generally
- Being indirectly involved with Educational Body councils in the calling of Pastors to Educational Body positions, and, as requested, assisting them in the appointment of other senior staff through the Executive Director.

(iii) Supervision

- Directing the work of, and regularly reviewing, the performance of the Executive Director
- Approving the Budget of LESER
- Upholding and safeguarding the confessional teachings of the Church, especially as these relate to the nature, purpose and program of Educational Bodies
- Monitoring the financial, risk, compliance and governance performance of the Educational Bodies.

(iv) Partnerships

- Promoting the cause of Lutheran education in the Districts, and promoting Educational Bodies as agencies of Christian nurture and outreach
- Facilitating co-operative working relationships with other sectors of education at State and Commonwealth levels
- Working in close cooperation with the Board for Lutheran Education Australia and other appropriate departments of the Church and Districts
- Acting in accordance with the general rules applicable to Departments and Committees of the Districts, and in compliance with rules of the General Church
- Consulting with Schools Assembly as provided under Section 5 of the LCAV By-Laws: SECTION IV.T. SCHOOLS ASSEMBLY
- Working in close partnership with Educational Bodies.

(v) Promotions and Communications

- Representing and acting on behalf of Educational Bodies in relation to governments, government authorities and political parties and to provide representation on relevant educational institutions or associations
- Communicating with stakeholders on all key matters pertinent to their operations.

(d) The Executive Director of LESER

The Executive Director has delegated authority to operate within the policy directions of the Council and manages day to day operations by:

(i) Managerial
• Managing the LESER Office
• Overseeing the planning and development of all Educational Bodies
• Ensuring appropriate reporting is in place from Educational Bodies
• Monitoring the financial affairs of each Educational Body, ensuring that practices and records are being maintained so that such affairs are in good order and audited
• Managing aspects of industrial relations in Educational Bodies where requested by a principal or council of an Educational Body
• Raising funds for LESER by means of annual subscriptions, fees, donations, levies or other means, from or on Educational Bodies in accordance with the approved budget
• Implementing decisions and policies of LEVNT.

(ii) Support and Advice

• Providing advice and assistance to the Educational Bodies
• Providing support for the principals, Councils and leaders of the Educational Bodies and working collaboratively with them
• Providing guidance to Educational Bodies in relation to educational developments
• Promoting appropriate professional development for employees at the Educational Bodies
• Promoting the interests of LESER
• Promoting and assisting the Educational Bodies to carry out their common responsibilities as part of LESER
• Promoting the establishment and conduct of the Educational Bodies at all levels as agencies of Christian Education
• Representing and promoting the interests of Educational Bodies in the media and to the community.

(iii) Staffing

Appointing staff for LESER within the approved budget of LESER

• Participating on interview panels for the selection of principals, either personally or through the Executive Director’s nominee
• Liaising with Lutheran Education Australia with regard to effective personnel planning, and advise Educational Bodies accordingly
• Developing and providing guidelines and policies in relation to Lutheran education.

(iv) Partnerships

• Facilitating co-operative working relationships with other sectors of education at State and Commonwealth levels
• Working in cooperation with other officers of the District, the College of Directors and Lutheran Education Australia.

(v) Industrial and Compliance
• Ensuring that the Educational Bodies are adequately and properly represented in negotiations with employee associations and organisations and in proceedings of relevant industrial courts, commissions and tribunals, either Commonwealth or State, in connection with industrial disputes or industrial matters
• Maintaining constitutional authority and use, where desirable, the means provided by Law to enforce compliance with the provisions of any Act of the Commonwealth or any State, or any regulation made thereunder governing or bearing upon industrial matters or industrial disputes or any industrial award, determination or agreement and
• Representing and acting on behalf of the Educational Bodies in relation to governments, government authorities and political parties and to provide representation on relevant educational bodies.
• (vi) Communications
• Representing and acting on behalf of Educational Bodies in relation to governments, government authorities and political parties and providing representation on relevant educational institutions or associations
• Communicating with stakeholders on all key matters pertinent to their operations.

6. APPRAISAL OF THE COUNCIL

The effectiveness of LEVNT is measured to a large degree by the success of LESER and any reviews made of LESER, but LEVNT will regularly examine its processes by external and self-examination.

The Council will undertake an annual review that may be comprised of any of the following:

• Qualitative, quantitative or both;
• Formal or informal;
• Self-administered, administered by the Chairman or an external consultant; or
• Focused on Council members and involve a wider body of stakeholders.

7. ACCOUNTS

The Council shall keep such books of account as are necessary for the proper and efficient functioning of the Council. The books of account shall be and remain the property of the Victorian District. The Council shall be responsible for financial planning, budgeting and reporting. The financial year shall be from 01 January to 31 December.
1. The Districts: LESER is made up Educational Bodies within the Victoria District [including Tasmania] and the New South Wales District. Each of these Districts receives reports from LESER concerning the activities of the Educational Bodies within its District and the activity of the Council. Each District may also make resolutions concerning the operation of Educational Bodies within its District, having taken advice from the District Church Councils and CLE.

2. The District Church Councils operate on behalf of the Districts as a whole in between regular conventions. They recommend policies to the Districts and enact the policies of the Districts.

3. Delegation is granted to CLE to administer and oversee the Educational Bodies of the Districts as provided for in the Districts’ Constitutions and By-Laws.

4. CLE operates on behalf of the Educational Bodies and the Districts to ensure that the Educational Bodies are authentically Lutheran, educationally sound and financially viable. Facilitates a consultation and information sharing session at the annual Schools Assembly meeting.

5. Schools Assembly is a meeting forum for representatives of all LESER schools. The objects of Schools Assembly are set out in Section 5 of the LCAV By-Laws: SECTION IV.T Schools Assembly.

6. The Executive Director is the voice of CLE, executing its policies and reporting to and giving advice to CLE.
7. The Staff support the work of LESER and report to the Executive Director.

8. Systemic Educational Bodies receive recurrent funding from the Commonwealth according to a funding agreement with the system authority and are responsible to LESER to meet such requirements of the agreement. These cover educational suitability and financial viability. As the authority charged with the financial viability of systemic Educational Bodies CLE has a right to investigate financial arrangements and approve borrowings.

9. Systemic Educational Bodies are also responsible to the system for the operation of their school as a Lutheran school. The rights and responsibilities of Educational Bodies and the system are not affected by the status of the Educational Body as a congregational, parish or District Educational Body.

10. Non-Systemic Educational Bodies are responsible to LESER and the NSW District for the operation of their Educational Body as a Lutheran school. The rights and responsibilities of Educational Bodies and the system are not affected by the status of the Educational Bodies as a congregational, parish or District Educational Body. They are also responsible to the District through LESER for the proper educational and financial operation of the Educational Body.

11. The College of Directors (CoD) coordinates the work of the regions, provides advice to the LEA Board and may collectively carry out some of the directions of the LEA Board.

12. Lutheran Education Australia (LEA) provides national policies for Lutheran Educational Bodies. It operates through the Regional Executive Director and the Regional Schools Council.

13. Department of Education (DoE) does not work directly with systemic Educational Bodies in the accountability of Commonwealth Funding, but Non-systemic Educational Bodies are directly accountable to DoE.

14. Department of Education and Early Childhood Development - Victoria (DEECD), Department of Education – Tasmania (DoE – Tas) works directly with Victorian and Tasmanian educational bodies in relation to funding and accountability.

15. Department of Education & Communities – New South Wales (DEC) works directly with New South Wales educational bodies in relation to funding and accountability.
IV.O. SCHOOLS ASSEMBLY

1. NAME
   The name of the body shall be the Schools Assembly.

2. OBJECTS
   The objects of the Schools Assembly shall be to:
   (a) Facilitate the cooperative work of the schools of the Lutheran Church of
       Australia (herein after called “the Church”) within Lutheran Education
       South Eastern Region (LESER) to the Glory of God and for His mission in and
       through the schools
   (b) To gather together Lutheran educators, school administrators and others
       from the school communities for mutual recognition and encouragement
       of a shared Synodical identity and purpose
   (c) Be a forum through which the LCA Vic/Tas and LCANSW Districts and
       schools may interact and communicate bilaterally
   (d) Consider matters of business, make recommendations, receive, review and
       adopt reports and proposals, as required.

3. MEMBERSHIP
   (a) The Schools Assembly shall consist of the Schools of LESER
   (b) Schools shall be represented at the Schools Assembly by a maximum of
       three (3) representatives appointed by the School Council with at least two
       (2) being active communing members of the Church. The nominated
       Schools Assembly representatives shall be members of respective School
       Councils and/or consultants to the School Council
   (c) Each school shall have one vote at the Schools Assembly. There is no proxy
       voting.

4. MEETINGS
   (a) The Schools Assembly shall meet at least once each calendar year
   (b) Meetings may be called by:
       • The Chairperson of the Council of Lutheran Education South East
         Region (LEVNT) or
       • The District Bishop or
       • The written request of the LESER Director to the Chairperson of LEVNT or
       • The written request of at least one third of all Lutheran Schools through
         the LESER Director or Chairperson of LEVNT
   (c) At least 30 days’ notice shall be given to each School for all meetings
   (d) All decisions of the Schools Assembly shall be by a majority of schools
       present at the meeting
   (e) A quorum shall be one-half plus one of the Schools of LESER. In the event of
       an uneven number of Schools of LESER the quorum shall be one half
       (rounded up) plus one.

5. DUTIES and RESPONSIBILITIES
   The duties and responsibilities of the Schools Assembly shall be to:
Constitution of the Lutheran Church of Australia Victorian District (including Tasmania)

(a) Receive and adopt the Minutes of the previous Schools Assembly
5.2 Receive, review and adopt the LESER Strategic Plan
(b) Receive, review and adopt the policy and plans to be implemented during
the ensuing calendar year as determined in the LESER Strategic Plan
(c) Receive for information, consultation and feedback an up to date
financial statement of LESER
(d) Receive, review and adopt the budget of LESER for the ensuing financial
year
(e) Receive, review and adopt the principles for the distribution of
Government Funds to the Victorian and Tasmanian Lutheran Schools of
LESER
(f) Act in accordance with the general rules applicable to Departments and
Committees of the LCA Vic/Tas and LCANSW Districts, and in compliance
with rules of the General Church
(g) Nominate one (1) principal and one (1) business manager (from different
schools) for membership of LEVNT to LEVNT and to be appointed by Vic/Tas
District Church Council
(h) Nominate three representatives of the different educational bodies of
LESER to the LEVNT Business Committee, and consisting of at least one
Principal and one Business Manager, for appointment by LEVNT.

IV. P. LUTHER COLLEGE COUNCIL

1. NAME

The name of the Council shall be Luther College Council (Luther).

2. MEMBERSHIP

The Council shall consist of

(a) at least eight (8) and not more than twelve (12) persons including at least
one (1) pastor, all with voting rights;
(b) the Principal, Deputy Principal, Business Manager and one (1) School Pastor
as ex officio members without voting rights; and
(c) the Director for Lutheran Education Victoria (‘the Director’), as a
consultant/advisor to the Council.

3. APPOINTMENT

The voting members of the Council shall be appointed by the Council for
Lutheran Education South Eastern Region (LEVNT), usually at its first meeting
following a Convention of the Victoria/Tasmania District Synod. In the event of a
casual vacancy occurring, LEVNT shall, after its consideration of a
recommendation of the Council, appoint a replacement person for the
remainder of the former member’s term.

4. TERM OF OFFICE

The term of office for all voting members shall be one synodical term of two (2)
years commencing on 1st January following a Convention of Synod. Retiring
members shall be eligible for re-appointment but they would not normally serve
for more than twelve (12) years.
5. OBJECTS
The Council is to administer the affairs of Luther College as a Christian school on behalf of the District, so as to

(a) help students and staff develop values, attitudes and relationships emanating from and consistent with the Christian faith;

(b) provide a broad range of studies and promote the physical and social wellbeing of students and encourage students to realise their full potential;

(c) ensure that all its teaching is in harmony with the Holy Scriptures and the Lutheran Confessions as an exposition of the Scriptures;

(d) make its facilities available as widely and as economically as possible, particularly to members of the Lutheran Church of Australia;

(e) equip young Christians for a useful and dedicated life in their congregations and the Church, and the general community, and to encourage full-time service in the Church; and

(f) support and assist the staff in their profession.

6. DUTIES
The duties of the Council shall be to

(a) administer the affairs of the College as directed by the District;

(b) cooperate with LEVNT, in matters relating to

(i) the needs of secondary education within the Church; and

(ii) the implementation of the educational policy of the Church within the District;

(c) implement appropriate directions from the Director and Lutheran Schools Department on behalf of the Lutheran Schools System;

(d) consult with the Director and the District Bishop to

(iii) select and recommend to the DCC pastors suitable to serve as School Pastors, with a request that calls be issued; and

(iv) select, after interview, a person suitable to serve as Principal;

(e) consult with the Principal to appoint, after interview, the Deputy Principal, Business Manager and Heads of School;

(f) ensure that appropriate and adequate teaching, administrative and support staff are appointed by the Principal;

(g) work through the Director to

(i) consult with LEVNT on proposals for major policy changes, major capital works, or the purchase or sale of land;

(ii) keep LEVNT informed of the requirements of the College in respect of personnel, finance, real and personal estate;

(iii) submit to LEVNT the annual budget for the ensuing year for adoption;

(iv) submit to LEVNT the audited accounts as soon as practicable after the close of each year;

(h) maintain in good order and condition and to insure adequately all buildings of the College;
(i) draw up and/or approve rules for the proper running and smooth administration of the College, its staff, officers and the student body;

(j) receive regular reports from the Chairman, Principal and the Business Manager;

(k) supervise the activities of the Parent Teacher and Friends Association, or of any other auxiliary formed for the promotion of the College and its wellbeing, suggesting and/or approving projects to be undertaken by these auxiliaries;

(l) meet at least quarterly or more frequently as determined by the Council, or at the call of the Chairman; and

(m) be guided by Rules Governing Standing Committees in By-laws B Section IV. B.

IV.Q. GOOD SHEPHERD COLLEGE COUNCIL

1. NAME
   The name of the Council shall be the Good Shepherd College Council (Good Shepherd Council).

2. OBJECTS
   The Good Shepherd Council will administer the affairs of Good Shepherd College as a Christian school on behalf of the Lutheran Church of Australia Victorian District, so as to
   (a) help students and staff develop values, attitudes and relationships emanating from and consistent with the Christian faith;
   (b) provide a broad range of studies and promote physical and social wellbeing of students and encourage students to realize their full potential;
   (c) ensure that all its teaching is in harmony with the Holy Scriptures and the Lutheran Confessions as an exposition of the Scriptures;
   (d) make its facilities available as widely and as economically as possible, particularly to members of the Lutheran Church of Australia;
   (e) equip young Christians for a useful and dedicated life in their congregations and the Church, and the general community, and to encourage full-time service in the Church; and
   (f) support and assist staff in their profession.

3. MEMBERSHIP
   Good Shepherd Council shall consist of
   (a) ten (10) persons, including at least one (1) pastor, and preferably, being representative of the parishes of the region, all with voting rights;
   (b) the Principal, Head of Campus and the Bursar/Business Manager as ex officio members without voting rights; and
   (c) the Director of Lutheran Education Victoria (‘the Director’) and the Business Manager of Lutheran Education Victoria as consultants/advisors to the Council, and to the Business, the Education, and the Mission and Ministry Committees.

4. APPOINTMENT

Approved by Victorian District Convention of Synod on 04/10/2014   Page 62 of 80
5. TERM OF OFFICE

The term of office for all voting members shall be one synodical term of two (2) years commencing on 1st January following a Convention of the Victorian District Synod. Retiring members shall be eligible for re-appointment but they would not normally serve for more than twelve (12) years.

6. DUTIES

The duties of the Good Shepherd Council shall be to

(a) administer the affairs of the College as directed by the District;

(b) cooperate with the District in matters relating to

(c) the needs of primary and secondary education within the College and wider Church; and

(d) the implementation of the educational policy of the Church within the District;

(e) implement appropriate directions from the Director and on behalf of the Lutheran Schools System;

(f) in consultation with the Director, and the District Bishop to

(g) select and recommend to DCC, pastors suitable to serve as School Pastors, with a request that a call be issued; and

(h) select, after interview, a person suitable to serve as Principal;

(i) in consultation with the Principal, to appoint, after interview, the Deputy Principal, Heads of School, and Bursar/Business Manager;

(j) ensure that appropriate and adequate teaching, administrative and support staff are appointed by the Principal;

(k) work through the Director to

   (i) consult with and be guided by LEVNT in matters relating to major policy changes, major capital works, or proposals for the purchase and sale of land;

   (ii) keep LEVNT informed of the requirements of the College in respect of personnel, finance real and personal estate;

   (iii) submit to LEVNT the annual operating and capital budgets for the ensuing year for adoption;
(iv) submit to LEVNT the audited accounts as soon as practicable after the close of each year;

(h) maintain in good order and condition and to insure adequately all buildings, contents and other assets of the College;

(i) draw up and submit rules and regulations for the committees (Business, Education and Mission and Ministry) for the proper running and smooth administration of the College, its staff, officers and the student body, to LEVNT for approval;

(j) receive reports from the Principal and/or Heads of each Campus, and the Chairmen of the Business Committee, the Education Committee, and the Mission and Ministry Committee at each meeting of the Good Shepherd Council;

(k) ensure that all standing committees operate in accordance with its Terms of Reference and through a process which conforms to the Christian ethos of the College and which focuses on serving the needs of students and staff;

(l) receive and submit nominations for positions on the Good Shepherd Council to the LEVNT with recommendations for appointment;

(m) have oversight of the activities of Shepherds Pastoral, the Parents Friends and Teacher Association/Parents Auxiliary and of any other auxiliary formed for the promotion of the College and its wellbeing. The Good Shepherd Council may, in consultation with the Business Committee, suggest and shall approve directly or through delegation projects to be undertaken by these auxiliaries;

(n) meet monthly or at other intervals as determined by the Good Shepherd Council from time to time, or at the call of the Chairman; and

(o) appoint the chairpersons of the Business, the Education, and the Mission and Ministry Committees.

7. APPOINTMENT OF PRINCIPAL AND BURSAR/BUSINESS MANAGER

The Good Shepherd Council shall:

(a) appoint a selection committee of at least four (4) persons, to include comprising the Chairman, at least one (1) Representative from each Campus and the Director or the Director’s nominee, to interview candidates for the position of Principal/Head of Campus and the Bursar/Business Manager.

(b) endeavour to ensure that the selection committee has membership from both genders;

(c) in the event of a Principal not being appointed, the Good Shepherd Council shall appoint the Head of one Campus to be the official representative of the College, as a P–12 entity, in dealing with matters relevant to the Department of Education, Science and Training (DEST) and any other relevant Government bodies, LEVNT, the media and general public.

IV.R. LAKESIDE COLLEGE, PAKENHAM

INTERPRETATION

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

(a) ‘the Church’ means: Lutheran Church of Australia Incorporated;
(b) ‘the District’ means: Lutheran Church of Australia Victoria/Tasmania District;
(c) ‘the LEVNT’ means: the Council for Lutheran Education South Eastern Region Victoria;
(d) ‘the Director’ means: the Director for Lutheran Education South Eastern Region Victoria;
(e) ‘Lakeside College’ means: Lakeside College;
(f) ‘Lakeside Council’ means: the Lakeside College Council provided for in this Constitution;
(g) ‘consultant’ means non-voting member.

1. NAME
The name of the College is LAKESIDE COLLEGE.

2. CONFESSIONAL BASIS
(a) Lakeside College holds to the Confession of the Church and declares that it

   (i) 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

   (ii) 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.

(b) The Church requires that all who teach in or administer the affairs of Lakeside College shall carry out their responsibilities and duties in accordance with this Confession.

3. OBJECTS
(a) (The District.) Its Objects are to

   (i) implement in conjunction with other relevant bodies, the stated object of the Church: ‘to establish and maintain schools, colleges and other institutions and to foster all other means whereby the members of the congregations receive Christian education’; and

   (ii) Establish and maintain Lutheran schools and colleges which provide Christian education.

(b) (The College.) Lakeside College, as an integral part of the ministry of the Church, shall be established to offer Christian education to children in the Church and in the community and serve as an arm of mission outreach for the Church. Its Objects are to
(i) provide students with a comprehensive program of education that is conducive to the development of their talents and skills for responsible Christian living and service;

(ii) encourage students to strive for excellence in learning according to individual ability;

(iii) help students value themselves as persons created in the image of God, redeemed by Christ, and made members of his body, the church, and to express their new life in Christ in their relationship with God and others;

(iv) include as a core part of the program a Christian Studies curriculum which has been developed deliberately and consciously from the perspective of confessional Lutheranism;

(v) provide an alternative to a secularistic, humanistic philosophy and practice of education;

(vi) promote the spiritual life and development of Lakeside College community through regular worship, study of the Scriptures and pastoral care;

(vii) assist parents in the fulfilment of their God-given responsibilities to their children; and

(viii) assist the State in providing it with responsible citizens equipped to contribute positively to the community.

4. RELATIONSHIPS
   (a) Lakeside College, as an agency of the District, accepts the Constitution and By-laws of the Church and District, and shall act in accordance with their requirements. Any proposed amendments, alterations, additions or repeals to the Constitution and By-laws of Lakeside College shall be submitted to the Church Council of the District for approval.

(b) Lakeside College shall cooperate with the relevant officials, boards, councils and committees of the Church and of the District, and report as required.

(c) Lakeside College, as a college within the State of Victoria shall satisfy the legislative requirements of the State and of the Commonwealth of Australia in so far as they are not contrary to the Confessions and religious principles of the Church.

5. OFFICERS AND ADMINISTRATION
   (a) The government of Lakeside College shall be entrusted to a Council known as the Lakeside College Council (Lakeside Council).

(b) Lakeside Council shall be appointed by LEVNT, usually at its first meeting following a Convention of the District Synod. In the event of a casual vacancy occurring, LEVNT shall, after consideration of a recommendation of Lakeside Council, appoint a replacement person for the remainder of the former member’s term.

(c) Lakeside Council shall comprise
   (i) voting members of the congregations of the District;
(ii) voting members of other designated bodies of the Church;
(iii) the Principal who shall be an ex-officio, non-voting member;
(iv) the Business Manager/Bursar as a consultant; and
such other consultants as may be required from time to time.

(d) Lakeside Council

(v) shall not include College employees or their spouses; and

(vi) should not include parents, children or siblings of employees.

(e) Lakeside Council shall meet regularly, and at least eight (8) times per year.

(f) Any Council member, absent for three (3) consecutive meetings without reasonable excuses, forfeits the right to remain on Lakeside Council.

(g) Lakeside Council shall be accountable to the District, through LEVNT, and under its direction.

(h) The duties of Lakeside Council shall be as determined by the DCC.

(i) Lakeside Council may co-operate or affiliate with other bodies, always provided that the Objects of Lakeside College are upheld.

6. THE PRINCIPAL
The day to day management of Lakeside College shall be entrusted to the Principal, who shall be appointed by Lakeside Council in consultation with the Director, LEVNT and the District Bishop.

7. FINANCE

(a) All financial commitments of Lakeside College, whether capital or recurrent, shall be the ultimate responsibility of the District.

(b) Government funding may be accepted provided that the conditions of acceptance do not conflict with the Confessional Basis of Lakeside College and the religious principles of the Church.

(c) Lakeside College shall be a non-profit organization.

(d) Lakeside College shall be accountable to State and Commonwealth Governments for the use of any financial assistance offered and accepted.

(e) All moneys and properties received and derived in connection with Lakeside College shall be applied solely to the purposes of Lakeside College.

(f) A schedule of fees payable for enrolment at Lakeside College shall be determined each year by Lakeside Council.

(g) All incidental fund-raising activities on behalf of Lakeside College shall be conducted only with the approval of Lakeside Council, through the Principal.

(h) Lakeside Council shall be responsible for maintaining accurate and proper accounts and records of the financial transactions of Lakeside College.

(i) The financial year of Lakeside College shall commence on the 1st of January.

8. THE STAFF
(a) The Principal/Deputy Principal/Acting Principal/Heads of sub-schools must
   (i) be an active member of the Church;
   (ii) uphold the teachings of the Church and model the Christian lifestyle;
   (iii) be committed to the principles of Lutheran education;
   (iv) be a registered and skilled teacher; and
   (v) have completed or undertake to complete within an agreed period of
       time the necessary theological studies as prescribed by the Church in
       its Staffing Policy.

(b) Other teaching staff shall
   (i) be active members of the Church but if appropriate staff is not
       available be active Christians in other denominations;
   (ii) be willing to uphold the teachings of the Church and model the
        Christian lifestyle;
   (iii) have a commitment to the principles of Lutheran education;
   (iv) be registered and skilled teachers;
   (v) complete the necessary theological studies as prescribed by the
       Church in its Staffing Policy.

(c) The School Pastor shall have pastoral oversight of Lakeside College,
    exercising this ministry to Lakeside College and its community with and
    through the Principal and the teachers.

(d) Any action to suspend, dismiss or terminate the services of staff shall be
    taken in accordance with the current policies and procedures of the
    Church and State.

9. THE STUDENTS
   (a) The students shall be enrolled in the manner determined by Lakeside
       Council from time to time.
   (b) Within the context of Christian ministry a student who manifestly violates
       Christian conduct and/or seriously disrupts school life and work and refuses
       to respond positively to admonition and encouragement may be expelled
       from Lakeside College.

10. NOT FOR PROFIT
    The assets and income of Lakeside College shall be applied solely in
    furtherance of the Objects set out in the Constitution and no portion shall be
    distributed directly or indirectly to members except as bona fide compensation
    for services rendered or expenses incurred on behalf of Lakeside College.

11. DISSOLUTION
    (a) Any decision for dissolution shall be made according to the following
        procedure:
           (i) Notice of a proposal to dissolve Lakeside College shall be forwarded
               to the DCC after consultation with LEVNT; and
(ii) any decision to dissolve Lakeside College shall not become operative until the sanction of the Church Council of the District has been obtained.

(b) The use or disposal of the real and personal estate of Lakeside College shall be determined by the District.

12. ALTERATIONS TO CONSTITUTION AND BY-LAWS

(a) The DCC shall have power to amend, alter, add to or repeal these rules, except as hereinafter provided.

(b) Article II. and Article X.2. shall be considered fundamental and shall not be amended, altered, added to or repealed so as to alter their intent and meaning.

IV.S. LAKESIDE COLLEGE, PAKENHAM, BY-LAWS

1. THE COLLEGE COUNCIL (Lakeside Council)

   Membership

   (a) Lakeside Council shall comprise

      (i) eight (8) voting members of congregations of the District;

      (ii) of these, at least one member must be a Pastor; and

      (iii) the Principal and consultants as specified in the Constitution.

   (b) From its own membership Lakeside Council shall elect a Chairman, a Vice-Chairman and a Secretary to serve for the synodical term.

   (c) The term of office for all voting members shall be one synodical term of two (2) years commencing on 1st January following a Convention of the Victorian District Synod. Retiring members shall be eligible for re-appointment but they would not normally serve for more than twelve years.

   (d) Lakeside Council may appoint (engage) specialist consultants, without voting rights, as necessary from time to time to fulfil its objects. Such appointments shall be for not longer than one synodical term unless otherwise authorized by the LEVNT

2. DUTIES

   Lakeside Council shall

   (a) promote Lakeside College and foster interest in it among members of the District and in the community;

   (b) develop and implement policies, programs and projects in accordance with the Objects of this Constitution;

   (c) have oversight of the general administration of Lakeside College;

   (d) be responsible for providing staff adequate for the needs of Lakeside College and to that end:

      (i) advise the Director from time to time of the staffing needs of Lakeside College;

      (ii) in consultation with the Director, the LEVNT and the District President select and recommend to District Church Council, pastors suitable to serve as School Pastors, with a request that a call be issued;
(iii) select, after interview, a person suitable to serve as Principal.

(iv) ensure that teachers and other staff are appointed in accordance with Church policies.

(e) be concerned with the livelihood and general well-being of the staff;

(f) encourage and assist in the academic and theological professional development of the principal and teachers;

(g) have oversight of the activities of Lakeside College auxiliary bodies;

(h) annually appoint an independent and accredited Auditor;

(i) submit audited financial statements of the College to LEVNT within three months of the close of the financial year for adoption;

(j) submit the schedule of fees and the annual College budget to the LEVNT for adoption;

(k) submit minutes of its meetings to the LEVNT promptly after each meeting;

(l) receive regular reports from the Principal;

(m) place before the LEVNT for its decision any matters that involve changes in policy, the adoption of new projects involving expenditure beyond the approved budget, and proposals for the borrowing of money; and

(n) conduct its meetings, where applicable, in accordance with the rules for transacting business adopted by the Church.

3. DUTIES OF OFFICERS

The Chairman shall

(a) preside at meetings of Lakeside Council;

(b) maintain liaison on behalf of Lakeside Council the Director, the LEVNT, the Principal, and the staff, and so assist in carrying out the Objects of Lakeside College;

(c) ensure that the decisions of Lakeside Council are carried out and generally complied with, advise and encourage all who hold office; and

(d) ensure that an agenda is prepared for meetings of Lakeside Council.

The Vice-Chairman shall

(e) serve as Chairman when the Chairman is unable to act, or when requested to do so by the Chairman;

(f) assist the Chairman and carry out other duties specifically assigned; and

(g) act as Chairman when the office of Chairman is vacant.

The Secretary shall

(h) keep an accurate record of all proceedings of Lakeside Council;

(i) attend to all correspondence unless delegated to another person;

(j) prepare an agenda for meetings in consultation with the Chairman and the Principal; and

(k) ensure that committees are informed of decisions affecting their duties.

The Executive Committee
(l) Lakeside Council may have an Executive committee comprising the Chairman, Vice-Chairman and Secretary; the Principal shall serve as consultant.

(m) The Executive Committee shall

(i) act for Lakeside Council, if required, between regular meetings of Lakeside Council; and

(ii) carry out other duties as directed by Lakeside Council from time to time. The Executive Committee is at all times responsible to Lakeside Council.

Sub-committees

(n) Lakeside Council may appoint sub-committees from time to time which may include persons who are not members of Lakeside Council, to perform specified tasks.

(o) When appointing sub-committees Lakeside Council shall appoint a convenor, from its own membership, and provide specific terms of reference.

(p) A sub-committee shall at all times be responsible to Lakeside Council and submit any report and/or recommendations to Lakeside Council for its consideration as required. On completion of the tasks assigned the sub-committee shall be deemed to no longer exist.

4. THE PRINCIPAL

The Principal, in addition to general duties as a teacher, shall

(a) be responsible for the organisation and administration of Lakeside College and its educational program;

(b) ensure that Lakeside College is effectively implementing its Objects;

(c) ensure that the educational requirements of the Church and of the State are effectively fulfilled in Lakeside College;

(d) ensure that regular meetings of staff are held;

(e) ensure that a program of academic and theological professional development of teachers is implemented;

(f) attend District Synods and submit reports thereto; attend all Lakeside Council meetings and submit reports thereto; and assist Lakeside Council in the fulfillment of its duties;

(g) be responsible for the enrolment of students in accordance with the policy of the Church and within guidelines laid down by Lakeside Council;

(h) submit items for the agenda of Council meetings; and

(i) actively support the ministry of the School Pastor in the School.

5. SCHOOL PASTOR

(a) The School Pastor, in consultation with the Principal shall

(b) encourage and contribute to the worship and devotional life of the College;

(c) serve as a resource person for the theological development of staff and for the design and presentation of the Scripture program;
(d) assist in evaluating the Scripture curriculum of Lakeside College;
(e) ensure that the program of the College is in keeping with the Objects of the College as an agency within the Church;
(f) ensure that the College as an agency for Christian education is effectively inked to the life and work of the District; and
(g) minister to the whole College community.
(h) The School Pastor shall serve as spiritual counsellor to the Principal and staff as required.
(i) The School Pastor shall be encouraged to be involved in the wider ministry of the Church.

6. BUSINESS MANAGER/BURSAR

The Business Manager/Bursar, being subject to the authority of the Principal in the administration of Lakeside College, shall
(a) keep an accurate record of all receipts and payments and of the assets and liabilities of Lakeside College;
(b) pay promptly all wages and salaries, accounts, and other financial obligations of Lakeside College authorised by Lakeside Council;
(c) prepare progress reports as required on the finances of Lakeside College for the meetings of Lakeside Council;
(d) submit regular financial statements as required and an annual audited financial statement and balance sheet to Lakeside Council for examination and presentation to the LEVNT;
(e) prepare such other financial returns as may be required from time to time;
(f) attend meetings of and submit regular reports to Lakeside Council, and assist it to fulfil its duties; and
(g) perform other duties as specified from time to time by Lakeside Council through the Principal;

7. ENROLMENT OF STUDENTS

The following provisions shall apply in reference to the enrolment of students:
(a) All applications for enrolment shall be directed to the Principal.
(b) The Principal shall ensure that enrolment interviews are conducted.
(c) Applications shall be accepted by the Principal in accordance with the policy of the Church and within guidelines laid down by Lakeside Council.
(d) When an application for enrolment is made the parents shall give an undertaking to support actively the Objects of the College.

8. AUXILIARIES

(a) Auxiliary bodies are bodies specifically constituted to involve the parents and other College related communities for the welfare of Lakeside College.
(b) Auxiliary bodies may exist only by the consent of Lakeside Council and provided that their constitutions are approved by Lakeside Council.
V. RULES OF DISTRICT FUNDS

V.A. VICTORIAN DISTRICT DISASTER AND WELFARE FUND

1. NAME
The name of the Fund shall be the Victoria/Tasmania District Disaster and Welfare Fund (Disaster and Welfare Fund).

2. PURPOSE
The purpose of the Disaster and Welfare Fund shall be to receive at any time, and hold ready, monies that shall be distributed only in any manner as follows:

(a) for the immediate assistance of persons or groups of persons in Australia, and more especially Victoria and Tasmania, who are in necessitous circumstances through losses sustained as a result of fire, flood, tempest, earthquake or other disaster;

(b) for the assistance of persons in Australia, and more especially in Victoria and Tasmania, who are in necessitous circumstances within the meaning of Section 78 (1) (a) of the Income Tax Assessment Act 1936 (as amended);

(c) for these purposes, necessitous circumstances shall mean that at the time of application the applicant’s financial resources are insufficient to enable him or her to obtain all that is necessary, not only for a bare existence, but for a modest standard of living in the Australian community.

Such assistance shall be given in particular to persons who are members of the Lutheran Church of Australia and also, according to availability of funds, to other persons.

3. ADMINISTRATION
The Disaster and Welfare Fund shall be managed by a sub-committee (‘the Disaster and Welfare Fund sub-committee’) comprising the Bishop, the Chairman of District Church Council and the District Administrator.

4. RECEIPTS
The Disaster and Welfare Fund shall be open to receive gifts for the above-mentioned purpose, which are

(a) made by persons in all states and mainland territories of the Commonwealth of Australia who are members of the Lutheran Church of Australia, or by any other interested and sympathetic persons.

(b) All gifts to the Disaster and Welfare Fund shall be kept in a separate account.

5. DISBURSEMENTS
(a) Disbursements of the Disaster and Welfare Fund shall be authorized by the Disaster and Welfare Fund sub-committee.

(b) The Disaster and Welfare Fund sub-committee may arrange for the disbursement of funds through bodies or individuals serving as its agents. For this purpose the Disaster and Welfare Fund sub-committee may adopt any of the following procedures:

(i) It may from time to time and for such duration as it seems necessary, appoint a local Administration Committee to administer the
(ii) It may allocate funds to an established welfare committee of the said church or congregation for the assistance of persons in necessitous circumstances.

(c) The Disaster and Welfare Fund sub-committee and any committee acting as an agent, as the case may be, shall be satisfied that an application by or on behalf of a person is in accord with the purpose of the Disaster and Welfare Fund and shall have authority to determine the amount of assistance to be granted.

(d) The Disaster and Welfare Fund sub-committee and each committee acting as an agent shall keep appropriate records of the persons who receive payment from the Disaster and Welfare Fund together with a summary of the facts which showed that such persons were in necessitous circumstances within the meaning of Section 78 (1) (a) of the Income Tax Assessment Act 1936 (as amended).

6. **AUDIT**

The Disaster and Welfare Fund shall be audited annually by the District’s duly appointed auditor.

V.B. **DISTRICT CAPITAL REVOLVING FUND**

1. **NAME OF FUND**

The name of the Fund is District Capital Revolving Fund (Capital Revolving Fund).

2. **OBJECT**

The object of the Capital Revolving Fund shall be to promote the work of the District by making loans available for specific capital purposes approved by District Church Council from time to time.

3. **THE FUND CAPITAL**

   (a) The initial capital of the Capital Revolving Fund is $128,762.37.

   (b) The capital of the Capital Revolving Fund may be increased by bequests, gifts, and interest.

4. **ADMINISTRATION OF THE FUND**

   (a) The Capital Revolving Fund shall be administered as a separate fund of the District by the District Church Council.

   (b) The District Administrator shall make recommendations to District Church Council concerning the use of monies available from the Capital Revolving Fund and any other aspects pertaining to the finances and financial arrangements of the Capital Revolving Fund.

   (c) A financial statement of the Capital Revolving Fund shall form part of the District’s annual financial statements.

   (d) When a loan has been approved by the District Church Council, the District Administrator as Treasurer of the Capital Revolving Fund shall be responsible for all communication with the borrower in respect of the loan.

5. **APPLICATION FOR LOANS**
(a) Loans from the Capital Revolving Fund shall be available only for specific capital purposes approved by District Church Council from time to time.

(b) Application for a loan from the Capital Revolving Fund may be made by:
   (i) a congregation which has been received into membership in the District;
   (ii) a parish of the District;
   (iii) any committee of the District;
   (iv) the District

(c) Applications shall be submitted to the District Office and shall be accompanied by such supporting information as the District Church Council may require from time to time.

(d) In the case of subsidised congregations/parishes, applications shall be directed first to the Council for Ministry Support for recommendation to District Church Council.

6. ALLOCATION OF LOANS

(a) In the allocation of loans, special consideration shall be given to projects undertaken by the District, to subsidised congregations and new congregations.

(b) The District Administrator:
   (i) shall indicate priorities and recommend the amounts to be allocated from the Capital Revolving Fund;
   (ii) may recommend whether and under what conditions any variations of the allocations or of the provisions regarding the repayment of loans may be made to meet abnormal circumstances.

(c) The District Church Council shall:
   (iii) make allocations from the Fund;
   (iv) make arrangements for the necessary agreements, guarantees and other documents;
   (v) determine any variations to the allocations which may become necessary through a change in circumstances.

(d) The loan shall only be forwarded upon written request to the District Administrator and when the borrower is required to make the first payment on the project for which it has been granted.

(e) If an approved loan has not been taken up within twelve months of its availability, it shall lapse unless the borrower can show that an extension of time is warranted.

V.C. MISSION DEVELOPMENT FUND

1. NAME OF FUND

   The name of the Fund shall be the Mission Development Fund.

2. OBJECTS
The Objects of the Mission Development Fund shall be:

(a) to assist with costs of providing personnel to be engaged to pursue mission initiatives of the Lutheran Church of Australia Victoria/Tasmania District;

(b) to assist with costs of providing support personnel to congregations in extraordinary need; and

(c) to assist the District acquire property for subsequent use by congregations, or the District’s use for District mission purposes.

3. GENERAL ADMINISTRATION

(a) The Mission Development Fund shall be administered by the District Church Council, with the Council for Ministry Support as advisory bodies in regard to allocations.

(b) The Mission Development Fund shall remain in the books of the District.

(c) The following moneys shall be placed in the Mission Development Fund:

(i) legacies specified for mission purposes, and other unspecified legacies as authorised by District Convention from time to time,

(ii) contributions received from congregations, auxiliaries, and individuals for mission purposes,

(iii) repayments on loans currently outstanding,

(iv) interest on moneys invested.

(d) The allocation of funds for providing personnel shall not exceed 50% of the per annum cost of such provision, and such provision shall be reviewed at least annually.

(e) The Rules for the Acquisition and Ownership of Property shall continue to apply to current and any new loans to congregations. However, as a general rule, funds for future property acquisitions by and for congregations shall be obtained by way of loans from the Lutheran Laypeople’s League. The District will endeavour to support such loans with ‘matching deposits’, but the congregation shall be responsible for repayments of the loans in accord with LLL terms and conditions from time to time.

V.D. THE JESUS LORD OF LIFE MISSION FUND

1. NAME

The name of the Fund shall be The Jesus Lord of Life Mission Fund.

2. PURPOSE

(a) The principle of the Jesus Lord of Life Mission Fund shall remain in perpetuity and the income used to directly assist the provision of pastoral ministry to LCA congregations of the Victorian District so that the Gospel of our Lord Jesus Christ may be proclaimed through the ministry of Word and Sacrament.

(b) In order that the Jesus Lord of Life Mission Fund may achieve its purpose,

(i) the Jesus Lord of Life Mission Fund shall be held in the books of the LCA Victorian District and administered through the Council for Ministry Support, according to these rules;
(ii) any outstanding loans or debts of the Jesus Lord of Life Mission Fund are to be paid from the proceeds of the manse sale;

(iii) the capital of the Jesus Lord of Life Mission Fund is not to be spent, but invested in accordance with the investment policy of the District. Investments shall be arranged by the District Administrator in consultation with the Pastor for Congregational Support or in his absence, a member of the Council for Ministry Support;

(iv) the net interest earned is to be disbursed primarily to children’s/youth and tertiary ministry within the Victorian District. Where special circumstances prevail, other ministry and mission endeavours of the District may be supported but such support shall not exceed 40% of the total interest earned in any one year. The disbursements of the interest are to be approved by the Council for Ministry Support;

(v) any unused interest should be added to the capital of the Jesus Lord of Life Mission Fund in the year it is earned;

(vi) capital funds deposited with the LLL are to be earmarked at the discretion of the administrators of the Jesus Lord of Life Mission Fund to support projects within the District. It is preferred that such projects be complimentary to the purposes of the Jesus Lord of Life Mission Fund.

3. The Jesus Lord of Life Mission Fund shall be subject to the normal District auditing processes.

V.E. THE ST LUKE’S MISSION FUND

1. NAME

The name of the Fund shall be The St Luke’s Mission Fund.

2. PURPOSE

The principal of the St Luke’s Mission Fund shall remain in perpetuity and the income used to directly assist the provision of pastoral ministry to LCA congregations of the north western suburbs of Melbourne so that the Gospel of our Lord Jesus Christ may be proclaimed publicly through the ministry of Word and Sacrament.

In order that the St Luke’s Mission Fund may achieve its purpose,

(a) The St Luke’s Mission Fund shall be held in the books of the LCA Victorian District and administered by the District, through the Council for Ministry Support, according to these rules.

(b) The principal of the St Luke’s Mission Fund shall be invested in accordance with the investment policy of the District. Investments shall be arranged by the District Administrator, in consultation with the Pastor for Congregational Support or a member of the Council for Ministry Support.

(c) Other monies may be added to the principal of the St Luke’s Mission Fund from time to time.

(d) Only the interest income shall be available for distribution. If any of the interest income is not required for distribution during the year in which it is received, the residual or part thereof shall, at the discretion of the District Administrator and Pastor for Congregational Support, be:
(e) added to the principal of the St Luke's Mission Fund, or
(vi) set aside for distribution in the following or any subsequent years;

3. AUDIT

The St Luke's Mission Fund shall be subject to the normal District auditing processes.

V.F. WELFARE FUND

(a) The Fund was established pursuant to a resolution of the 1989 District Convention, as follows:

RESOLVED that

1. A separate Trust Fund, known as the Welfare Fund, under District control, be established for welfare purposes and that this account be recorded in the books of the District Treasurer.

2. The following funds be placed in this account:

   (a) compensation agreed upon between Church Council and the Council for Lutheran Social Services for the acquisition of 755 Station Street, Box Hill as the site for the new centralised District Office;

   (b) when sold, net proceeds from the sale of 477 Middleborough Road, Box Hill North property acquired and paid for by the Lutheran Children’s Homes Auxiliary;

   (c) net proceeds obtained by the District from the sale of welfare properties, including former Children’s Homes.

3. Additional funds may be placed in this account at the discretion of the Church Council and the Council for Lutheran Social Services.

4. Moneys in the Welfare Fund be invested by two representatives of the Finance Council and one representative from the Council for Lutheran Social Services so as to maximise the benefits and thereby assist in ensuring the long term viability of approved welfare activities in the District.

5. Dispersals from the Welfare Fund shall be administered by the Council for Lutheran Social Services under the supervision of the District Church Council.

6. Funds raised for specific purposes (such as Child Welfare) when placed in the Welfare Fund shall be earmarked and reserved for use in those areas only.

VI. RULES OF AUXILIARIES AND ASSOCIATED BODIES

VI.A. AUXILIARIES AND SPECIAL INTEREST GROUPS

To advance the objects of the District, District Church Council shall establish Auxiliaries and Special Interest Groups from time to time. Such Auxiliaries and Special Interest Groups shall report to and provide District Church Council with minutes of any meetings and conventions.

VI.B. LUTHERAN MEN OF AUSTRALIA VICTORIAN DISTRICT – to be confirmed

VI.C. LUTHERAN WOMEN OF VICTORIA – to be confirmed

VI.D. SOUL NURTURE NETWORK – to be confirmed

Approved by Victorian District Convention of Synod on 04/10/2014