



Section 1.3

Reports to 2013 Synod

Extract of By-Laws

EXTRACT FROM BY- LAWS PART B OF THE CONSTITUTION AND BY- LAWS OF THE LUTHERAN CHURCH OF AUSTRALIA QUEENSLAND DISTRICT PERTAINING TO THE CONVENTION OF SYNOD

Section 2 Synod and Its Conventions

2.1. The synodical term shall be from the commencement of one regular Convention to the commencement of the next succeeding regular Convention.

2.2. The regular Convention shall be held during the first weekend in May or at such other time as may be determined by the Church Council.

2.3. Any special Convention shall be held at a time and place to be determined by the Church Council.

2.4. Notice of a Convention shall be published by the Secretary in the Official Organ at least twelve (12) weeks before the appointed date in the case of a regular Convention and at least four (4) weeks before the appointed date in the case of a special Convention.

2.5. The following are entitled to place proposals on the agenda for a Convention:

- (a) each Congregation;
- (b) the Standing Committees, Councils and Commissions of the District, provided the proposal is within the respective terms of reference;
- (c) the Pastors' Conference;
- (d) the Church Councils of the Church and District and their Executives.

2.6. Proposals to be placed on the agenda for a regular Convention shall be forwarded to the Secretary at least 10 weeks before the appointed date in the case of a regular Convention.

2.7. Reporting Committees shall submit to the Secretary their reports to the regular Convention with proposals arising there from attached at least ten (10) weeks before the appointed date in the case of a regular Convention.

2.8. The Secretary shall forward to the Steering Committee all reports and proposals regularly received. The Steering Committee shall (where necessary) collate, group and reformulate the proposals in accordance with the terms of reference of the Steering Committee.

2.9. The Book of Reports shall be forwarded by the Secretary to all Congregations at least three (3) weeks before the date of a regular Convention. The Book of Reports shall include the agenda setting out details of the nature of the matters to be dealt with at the regular Convention, and the reports to Convention of the Reporting Committees.

2.10. The agenda for a special Convention shall be forwarded by the Secretary to all Congregations at least two weeks before the date of the special Convention.

2.11. Each Congregation shall be entitled to elect lay representatives as follows:

- (a) One (1) lay representative for up to 75 communicant members;
- (b) Two (2) lay representatives for 76 to 200 communicant members;
- (c) Three (3) lay representatives for 201 to 300 communicant members;
- (d) Four (4) lay representatives for more than 300 communicant members.

Each lay representative shall be an Active Communicant Member of the Congregation.

2.12. The secretary of each Congregation shall notify the Secretary of the District in writing of the name and address of each lay representative so elected.

2.13.1. When an elected lay representative cannot attend a Convention and the Congregation cannot find a substitute from its midst, the Congregation may appoint an Active Communicant Member of another Congregation (not otherwise a District Delegate) to act as the alternate for its elected lay representative at such Convention, provided such appointment is approved by the President.

2.13.2. If a lay representative for reasonable cause cannot continue to attend a Convention, he/she may request that an Active Communicant Member (not otherwise a District Delegate) be appointed as his/her alternate by the President for the remainder of the Convention.

2.13.3. In each case the lay representative shall upon the appointment of the alternate cease to be a District Delegate until the conclusion of the Convention.

2.14. An alternate shall have authority to represent only one (1) lay representative at any one time.

2.15. The President of the Church, the members of the faculties of the Luther Seminary and Lutheran Teachers College, the executive officers of the Church, the Chairmen of the Committees and other such persons as the Church Council may deem advisable may be invited to attend as consultants.

2.16. Members of Congregations which are members of the Church may take part in discussions. The Auditor shall have the right to take part in any discussions arising out of his/her report.

2.17. Unless otherwise determined by Convention, other visitors may attend but may in any event speak only with the permission of the chairperson.

Section 3 Nominations and Elections

3.1 Nominations for positions other than President or the Vice-Presidents may be made by the Nominations Committee or by District Delegates or alternates in accordance with these By-Laws. Any nominee for a position shall be an Active Communicant Member of a Congregation.

3.2.1 The Nominations Committee shall circularise all Congregations and COMMITTEES at the end of each year asking for recommendations for nominations and, where known, pointing out any vacancies.

3.2.2 The Nominations Committee shall request each Congregation and COMMITTEE to furnish personal details concerning each person recommended including his/her occupation, Congregation, service rendered to and positions held in the Church, District, Congregations and community.

3.3 The Nominations Committee may also contact any member of a Congregation to ascertain whether that member would be willing to accept nomination.

3.4 Recommendations for nomination from Congregations shall be in the hands of the Nominations Committee or the Secretary ten (10) weeks prior to the date appointed for the regular Convention.

3.5.1 The Nominations Committee shall examine all recommendations and shall draw up a list of nominations which shall be published in the Book of Reports.

3.5.2 Such list of nominations shall include the occupation of the nominee, the Congregation to which he/she belongs, and any service which he/she has undertaken in the work of the Church, District, Congregations and community.

3.5.3 The Nominations Committee shall not be bound to accept all recommendations received.

3.6 The Nominations Committee shall ensure that each nominee on the list of nominations has consented to the nomination.

3.7.1 The first reading of the nominations shall take place on the first day of Convention unless the Steering Committee determines otherwise.

3.7.2 The first reading shall consist of an announcement of alterations to the published list of nominations.

3.8 District Delegates or alternates may make additional nominations provided the nomination is in writing and has the consent of the nominee and is in the hands of the Nominations Committee prior to the time determined by the Convention.

3.9 The Nominations Committee shall prepare a final list of nominations consisting of the names submitted at the first reading together with the additional nominations received from District Delegates or alternates.

3.10.1 The second and final reading of the list of nominations shall be given on the second day of Convention unless the Steering Committee determines otherwise.

3.10.2 At or prior to the second reading a list of nominees whose nominations were not published in the Book of Reports shall be provided to each District Delegate and alternate if an election is necessary. Such list of nominees shall include the occupation of the nominee, the Congregation to which he/she belongs, and any service which he/she has undertaken in the work of the Church, District, Congregations and community.

3.10.3 The second reading shall consist of a further announcement of alterations to the published list.

3.11 Upon completion of the second reading, the Electoral Officer shall prepare ballot papers where elections are necessary.

3.12 In preparing any ballot paper:

- (a) the names submitted by the Nominations Committee shall appear first on the ballot paper;
- (b) all names shall appear in the order drawn by the Electoral Officer; and
- (c) the ballot paper shall indicate which nominees are sitting members.

3.13 All elections shall be conducted according to the preferential system of voting unless otherwise decided by Convention.

3.14 The Electoral Officer shall direct the Convention with regard to voting procedure, whenever he/she deems it necessary.

3.15 The Electoral Officer shall be responsible for the distribution and collection of ballot papers.

3.16 The Electoral Officer shall be responsible for the counting of votes.

3.17 The Electoral Officer shall retain all ballot papers. The ballot papers shall be re-checked if the result of any election is challenged. The ballot papers shall be destroyed at the direction of the Convention or, if no direction is given, at the conclusion of the Convention.

3.18 The Electoral Officer shall keep a good record of the result of all elections, including the name of the candidate next in preference to those elected.

3.19 The Electoral Officer shall inform the chairperson of the result of the election as soon as practicable after counting is concluded.

Section 4 Procedure in Transacting Business

4.1. The business of a Convention shall be transacted under the chairpersonship of the President, or at his/her request a Vice-President or a deputy appointed by the President. If they are unable to act, the Convention shall elect its own chairperson.

4.2. The chairperson shall ensure that a quorum is present. No business shall be transacted except in the presence of a quorum.

4.3. The quorum shall be 50 percentum of the sum of:

- a) the lay representatives of the Congregations who have been elected as prescribed and whose election has been notified to the Secretary as prescribed; and
- b) the members of the Ministry of the District; and
- c) the members of the Church Council (other than those already counted under (a) and (b) above).

4.4. All proposals on the agenda shall be placed before the Convention for discussion and decision unless withdrawn or tabled or referred.

4.5. Any proposals or questions coming before the Convention may be referred by the Church Council prior to sessions or by the Convention during sessions for study and for report to the Convention.

4.6. No motion or amendment may be discussed or voted upon until it has been formally moved and seconded.

4.7. Proposals stemming from the reports of COMMITTEE shall be deemed to have been moved and seconded.

4.8. All reports published with the agenda shall be regarded as received by the Convention by virtue of such publication.

4.9. All reports published with the agenda shall be taken as read unless the Convention otherwise requires.

4.10. For the discussion of each report of a COMMITTEE, the Chairperson of the Committee concerned or his/her nominee shall be given a brief time to draw the attention of the Convention to matters of importance, and corrections to the written report, and for elaboration on the written report.

4.11. Before the proposals stemming from the report are debated, District delegates or alternates may seek information concerning the matters raised in the report or within the COMMITTEE's terms of reference.

4.12. The proposals stemming from the report shall be debated one by one.

4.13. The Chairperson of the Committee or his/her nominee shall be treated for the purposes of debate as the mover of the motion.

4.14. Any person desiring to speak shall ask for the floor by raising his/her hand or otherwise indicating to the chairperson his/her desire to speak and when called upon to speak he/she shall stand and address him/herself to the chair. No interruption to his/her speech shall be permitted except by the chairperson or upon a point of order.

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

4.16. A proposal which has not been moved may be withdrawn by the body from which it originated.

4.17. A proposal stemming from a report which has been printed with the agenda of the Convention may be withdrawn by the COMMITTEE from which it originated, with the consent of the Convention.

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

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

4.20. Proposers of amendments shall, if requested, present the same to the chairperson in writing.

4.21. Those taking part in a debate shall be limited to one speech on a question, except to clear up misunderstandings or in exercise of the right of reply, or except Convention grant permission.

4.22. 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.

4.23. Amendments are new questions and persons who have spoken to the motion shall be permitted to speak again.

4.24. The mover of any motion shall be permitted to speak for five minutes and three minutes shall be the limit for all other speeches, including the reply. The times limited by this By-law may be extended by resolution of Convention.

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

4.26. Motions and amendments shall be read before a vote is taken, and the chairperson shall, if necessary, briefly explain their meaning.

4.27. 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 Convention in the form in which it was put to the vote. A question may be reconsidered only once at the same Convention.

4.28. A question shall be decided by a show of hands unless a ballot is required by the chairperson, or requested by a District Delegate or alternate 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 requested and, if requested, shall be taken.

4.29. If in the opinion of any District Delegate or alternate an irregularity in procedure occurs, he/she may immediately, without asking permission from the chair, raise a point of order and shall be heard forthwith. He/she shall explain the point of order clearly and briefly without introducing new matter. The chairperson shall decide either to uphold or disallow the points raised and it shall not be debated unless an appeal be made

against the ruling of the chairperson.

4.30. Deference shall be paid to the chairperson's authority. All present shall be seated whenever the chairperson rises to speak and he/she shall be heard without interruption, except when a point of order is raised. The chairperson may call attention to continued irrelevance or tedious repetition on the part of a speaker and may direct him to discontinue his/her speech.

4.31. The chairperson may, solely at his/her discretion, announce an adjournment of Convention for a period not exceeding one (1) hour and, upon such announcement, Convention shall stand adjourned for the period specified by the chairperson.

4.32. The chairperson may speak briefly for the purpose of giving some desired or necessary information. If, however, he/she wishes to take an active part in the debate, some other person shall take the chair. 4.33. Unless otherwise stipulated, a simple majority shall decide each question, and, in the event of an equality of votes, the chairperson shall, in addition to his/her deliberative vote have a casting vote or he/she may refer the question for further discussion.

4.34. No formal motion may be moved or seconded by anyone who has moved, seconded, or spoken to the motion or any amendment.

4.35. The following formal motions or motions to the same effect may be moved and seconded and are not debatable:-

a) "*That the debate be adjourned*"; or "*that Convention proceeds to the next business*"; Consideration on the question may be concluded for that particular Convention by the acceptance of either of these motions.

b) "*That the question lies on the table*"; Consideration on the question may be deferred for the time being by the acceptance of this motion. There may be a subsequent motion either at the same or a later Convention to take the question from the table.

c) "*That the Convention adjourns*"; The Convention may be adjourned by the acceptance of this motion. If the motion or amendment states a time, date and place of the adjourned Convention, such time, date and place may be debated.

d) "*That the motion be now put*"; Debate on a motion or an amendment may be closed by the acceptance of this motion.

4.36. The chairperson may, however, refuse to accept any formal motion if, in his/her opinion, the question has not been sufficiently discussed. In any event, those who have signified their intention to speak to the question prior to the moving of the formal motion shall have the right to speak and the mover of the substantive motion before Convention shall have the right of reply notwithstanding the carrying of the formal motion.

4.37. Any By-laws relating to the transaction of business may if the need arises be suspended with respect to any business of Convention, provided that two-thirds of the District Delegates and alternates present consent.

4.38. All proceedings shall be entered into a minute book with the exception of unseconded motions and amendments.

4.39. The District shall not be bound by any statements or plans contained in a report but only by specific resolutions carried by Convention.

4.40. Where a resolution of Convention necessitates, either directly or by implication, an alteration to By-laws Part B, the Church Council may make such alterations to By-laws Part B as are necessary to implement the resolution of Convention. Such amendment shall operate as if passed by a resolution of Convention until the next succeeding regular Convention. Such amendments shall be printed in the agenda for the next succeeding regular Convention for ratification (or otherwise).

4.41. Notice of such interim amendments shall be forwarded to each Congregation.

Section 5 Late Proposals and Unfinished Business

5.1. All unfinished business shall be referred to the Church Council without the necessity for a formal resolution to that effect.

5.2. The report of Convention shall list the items of unfinished business so referred.

5.3. Late proposals, in writing and handed to the Secretary before the first business session of Convention may be accepted by Convention. At its discretion, Convention may admit new business during its sessions.

5.4. Unless Convention resolves otherwise, all late proposals shall be deferred until the completion of all other business unless they are of an urgent nature or are related to other matters on the agenda.

5.5. If a late proposal is not dealt with by Convention, the proposing body may request that it be placed on the agenda for the next regular Convention.

5.6. If no such request is made, the matter shall be dealt with by the Church Council.

5.7. The report of Convention shall contain a list of late proposals so referred to the Church Council.

5.8. Unfinished business and late proposals referred to the Church Council shall be dealt with as follows:

- a) the proposing body shall be given the opportunity either to send representatives to discuss the proposal with the Church Council or to send to the Church Council a written submission on the proposal;
- b) the Church Council may deal with the matter or may defer the same to the next regular Convention.

RECEPTION INTO MEMBERSHIP – By-Laws Part A, IV. Membership

1. A congregation seeking membership in the Church shall make application to the President 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 I 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 President of the District any amendments, alterations, additions, and repeals which it may make from time to time to its constitution, for determination by the Church Council of the District that the amended constitution remains in conformity with Article 1V Clause 1 of the Constitution of the Church.

2. Upon receipt of an acceptable application for membership the President of the District with the approval of the Church Council shall admit the congregation into membership in the Church subject to ratification by the Synod. The President shall notify the Administrator of the Church, whereupon the congregation shall be added to the official Roll of Congregations.

BY-LAWS PART A, VII. THE SYNOD

ELECTIONS

4. The method of electing the President and thereafter in their order the Vice-Presidents of the District shall be as follows:
 1. The names of the nominees of the Pastors' Conference shall be submitted to the convention of the Synod at which such elections are to take place, and shall stand as the list of nominees unless the convention determines by resolution after 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.
 2. The provisions of sub-section (4) (a) of the previous clause shall apply to any nominee whose name was added to the ballot paper by action of the convention.
 3. The elections shall be conducted by preferential ballot prior to the reading of nominations for all other elective offices in the District.