

CONSTITUTION¹

Swedish Church in Melbourne

§1 General regulations

1.1 Status and affiliation

The Swedish Church in Melbourne (also named *the Parish* in this Constitution), founded in 1908 and formerly known as the Swedish Evangelical Lutheran Church in Melbourne, is a parish of the Church of Sweden, a church within the Evangelical Lutheran tradition, whose faith, confession and doctrine is set down in chapter 1 of the Constitution of the Church of Sweden.

The Parish² is as of 1 November 2002 administratively linked to the Board of the Church of Sweden Abroad or a constituted body within the Swedish Church with a similar function. The Board is responsible for the furtherance of the Church of Sweden Abroad in accordance with instructions agreed by the General Synod of the Church of Sweden.

The Parish is part of a Diocese of the Swedish Church, whose Bishop and Chapter are responsible for overseeing the pastoral activities of the Parish.

1.2 Organisation

The Parish's power of decision shall be exercised at an Annual General Meeting (Kyrkstämma). The Church Council, whose members are elected by the parishioners at the Annual General Meeting in accordance with Chapter 4 of this Constitution, shall prepare the agenda for the Annual General Meeting and shall be responsible for the execution of its decisions. The Vicar of the Parish appointed by the Board of the Church of Sweden Abroad, is the chief executive officer of the Parish according to the regulations of the Church of Sweden.

1.3 Regulations in accordance with the Church of Sweden

The Parish is governed by the following regulations in *The Church of Sweden Ordinance*:

- Main title 1, concerning the Church of Sweden as an Evangelical-Lutheran denomination,
- chapter 2, paragraph 1, section 1 concerning the fundamental task of the congregation,
- chapter 2, paragraphs 5 and 6 concerning the Church Council as the governing body of the Parish and the responsibilities of the Vicar of the Parish,

¹ This is the complete and unadulterated text of the Constitution of the Swedish Church in Melbourne. It constitutes the only legally binding document regulating the affairs of the Parish of the Swedish Church in Australia.

² Throughout this document 'the Parish' denotes those constituting the membership of the Swedish Church in Melbourne.

- chapters 18–24, and chapter 28 concerning Orders of Service, Baptism, the Eucharist, Confession, Confirmation, liturgies of Marriage & Blessings, Burial & the Church year, and
- chapter 42, paragraph 6 section 1, concerning Baptism free of charge together with other regulations in the Church of Sweden Ordinance with special reference to the Church Abroad.

1.4 Regulation in accordance with Laws of Australia

The Parish is governed by the laws of Australia and the regulations in this Constitution. In case of conflict between Swedish laws and Australian laws on any matter covered in this Constitution the laws of Australia will prevail.

§2 Ministry

2.1 Mission

The Mission of the Parish is to proclaim the Christian Gospel by celebrating divine service, by teaching, and by an active commitment to practical social service and mission to the Swedish communities in Australia and New Zealand. This Mission is primarily being carried out among Swedes and their descendants, and secondly among all who have Scandinavian heritage or share a spiritual affinity with the Parish and its Mission.

2.2 Pastoral care and jurisdiction

The pastoral responsibility of the Parish concerns primarily those individuals who are members of the Church of Sweden and who are residents or temporary visitors within its jurisdiction.

The jurisdiction of the Parish is in the first instance the State of Victoria. Secondly, its jurisdiction comprises other parts of Australia and New Zealand, which are not part of the areas of pastoral jurisdiction held by the congregations of the Church of Sweden in Sydney and Brisbane.

2.3 Pastoral co-operation and ecumenism

The Swedish Church in Melbourne has a history of close co-operation with the other Scandinavian Evangelic Lutheran Churches in Australia. The Church of Sweden also shares certain historical bonds to other Churches in Australia (for example the Lutheran Church of Australia and the Anglican Church in Australia) and the Parish has a mission to deepen its relations with them and other Churches and congregations through ecumenical agreements and common actions.

2.4 The Parish Policy Statement

The Parish Policy Statement (Församlingsinstruktion) sets the policy framework for all activities undertaken by the staff and volunteers on behalf of the Parish and shall be prepared by the Vicar and the Church Council in consultation with the employees of the Parish and the Chapter in Sweden. The Statement shall be adopted by the Chapter after approval from the Board for the Church of Sweden abroad and the Vicar. Any change to the Parish Policy Statement may be proposed by the Church Council, the Vicar, or the Chapter in the Diocese in Sweden.

§3 Membership

3.1 Member definition

Any person may become a member of the Swedish Church in Melbourne by filling in the application form, completing the required details of him /her, if required including details of family members, and by paying his/her annual membership fee.

Membership of the Swedish Church in Melbourne is open to any person who either belongs to the Church of Sweden (in Sweden) and lives permanently or for a longer period of time within the Swedish Church in Melbourne's area of jurisdiction, or another person, without reference to nationality, who expresses a wish to become a member and who supports the Mission of the Parish. The Church Council delegates its authority in accepting or refusing membership to the Vicar of the Parish. The refusal of membership must be based upon reasonable grounds and not be of an arbitrary nature.

3.2 Register of members

A register of membership, containing all relevant details of each member, including family members, shall be kept by the Parish. Each member once registered shall be entitled to all the rights and privileges attached to such membership. Persons being over 18 years of age shall not be included in family memberships and shall be obliged to take up separate membership. The updated register of financial members shall be the basis for the Electoral Roll that shall be prepared before each Annual General Meeting according to section 6.1 of this Constitution.

3.3 Voting rights

Voting rights shall be in accordance with the provisions of section 6 of this Constitution.

3.4 Cessation of membership

3.4.1 Resignation

A member can at any time, by giving notice in writing, resign his/her membership of the Parish.

3.4.2 Exclusion

If any member shall refuse or neglect to comply with the provisions of the Constitution of the Swedish Church in Melbourne or if in the opinion of the Church Council he/she is found to be guilty of conduct deemed by the Church Council to be unbecoming of a member or prejudicial to the interest of the Church, the Church Council may recommend to the members in a general meeting that such membership be suspended or cancelled.

3.5 Membership fee

A membership fee is payable according to decision by the Annual General Meeting. The membership fee is differentiated for various categories according to decision by the Annual General Meeting.

§4 Annual General Meeting (Kyrkstämma)

The Annual General Meeting is the supreme decision-making body of the Parish.

The Annual General Meeting decides in matters of principle and in matters which are otherwise of major importance, primarily;

- the goals and directives for parish activities,
- parish finances and membership fees,
- the election of members and deputies of the Church Council and Trustees,
- the election of auditor,
- the grounds for financial benefits payable to elected representatives, and
- an annual financial statement and discharge of liability.

At the Annual General Meeting, members of the Parish with voting rights are entitled to participate in the proceedings and decisions.

The Annual General Meeting is to be held at least once a year. A meeting is convened when the Church Council requests it, or when the Chair of the Church Council deems it necessary.

The Annual General Meeting appoints one member to Chair the meeting among those members of the Parish who are entitled to vote and present at the meeting.

4.1 Notice

The Annual General Meeting should take place not later than the third Sunday in March. The date and hour for the Annual General Meeting should be announced on the Parish website at least four weeks prior the date and posted on the notice board at the Parish Church.

4.2 Adjournment of meetings

If the business before the Annual General Meeting cannot be completed on the due day, the meeting shall be adjourned to a date and time which the Chair of the meeting shall announce immediately.

4.3 Motions and decisions

Motions by members shall be put forward 21 days in advance of the Annual General Meeting and should be addressed to the Church Council.

Once the Chair of the meeting has declared the closure of a debate on a motion, the motion shall be put in a form requiring a spoken affirmative or negative answer. The Chair shall then declare whether the resolution before the meeting has been carried or not and will confirm this under the hammer, unless a poll is demanded. If a poll is demanded, it shall be carried out by individual verbal declaration by those present, except in the case of elections and appointments or if a secret ballot is demanded. The result shall be decided by a simple majority. If the voting result is a tie, it shall be decided by the Chair of the meeting's casting vote.

§5 The Church Council and other officers

5.1 Church Council

The Church Council shall be the governing body of the Parish. The members of the Church Council are appointed at the Annual General Meeting. The Vicar of the Parish is a member, *ex officio*, of the Church Council. The Church council shall comprise of a minimum of eight (8) members. It is desirable, but not mandatory, that the distribution of membership shall be such that half of the members are of Swedish heritage while the remaining half is distributed equally between members with Danish and Norwegian heritage.

The members are elected for a period of 2 years and are eligible for re-election at the end of their term. Preferably a maximum of four new members shall be elected each year.

The Church Council shall give due attention and care to the life of the Parish, and accept due responsibility for carrying out the fundamental mission of the Parish. The Church Council shall carefully attend to those questions which may affect the financial position of the Parish.

The Church Council shall also make the necessary proposals to the Annual General Meeting and carry out decisions of the Annual General Meeting if not someone else is delegated to do so.

5.2 The Chairperson of the Church Council

The newly elected and constituted Church Council elects a Chairperson at its first meeting who will hold office until the next Annual General Meeting.

The Chairperson of the Church Council calls the Annual General Meetings, calls any required extraordinary General Meetings as well as meetings of the Church Council, and in consultation with the Vicar of the Parish and the Church Council suspend and engage employees of the Parish.

5.3 Quorum

The quorum for the Church Council shall be half of the elected members and the Vicar of the Parish or his/her substitute.

5.4 Procedures at meetings

The Church Council shall meet at least four times a year, at a time and place which the Church Council shall decide.

An extraordinary church council meeting shall also be held when called by the Chair of the Church Council, or the Vicar of the Parish, or the Bishop of a Diocese in Sweden, or the Board for the Church of Sweden Abroad or similar.

At each meeting one member of Church Council shall be appointed to record the minutes of the meeting.

5.5 Records and minutes

Records of official meetings of the Church Council and sub-committees shall be taken and minutes kept. The minutes of every such meeting shall be confirmed and signed by the person taking the minutes at the meeting and one other member of the church council that was present at the meeting. If a decision regarding membership or financial matters was taken during the meeting the minutes need to be confirmed and signed by two members.

The signed copy of the minutes shall be conclusive as to all matters and things therein recorded and purported to have been done or directed to be done.

5.6 The Secretary/Treasurer

The Secretary/Treasurer of the Parish shall have the day-to-day responsibility for processing membership applications, maintaining a register of members, deal with correspondence, receive monies, pay accounts, and conduct bank accounts. He/ she is also responsible for presenting to the AGM a duly audited balance sheet and accounts. All cheques and withdrawal from any Parish bank account shall be signed as determined by the Church Council from time to time. The secretary/treasurer can be an elected Church Council member or a paid employee of the congregation. In both cases he/she is accountable for his/her actions in performing her/his duties to the Church Council. The Vicar of the Parish directs the work of the treasurer on behalf of the Church Council.

The Secretary /Treasurer does not normally attend the Church Council meetings, if not already a member of the Church Council, but can from time to time be invited by the Chair of the Church Council to present reports relating to financial matters to the Church Council.

5.7 The Vicar

The Vicar shall be appointed by the Board of Church of Sweden Abroad in consultation with the Parish. The Vicar shall be appointed for a fixed term determined by the Board of Church of Sweden Abroad or a constituted body with a similar function within the Swedish Church.

5.8 Other officers

5.8.1 Trustees

The Parish should have not less than three and not more than five Trustees, one of whom shall be the Vicar of the Parish at the time, *ex officio*. The Vicar shall be a Trustee in relation to non-freehold property only.

Trustees, other than the Vicar of the Parish at the time, *ex officio*, are elected at the Annual General Meeting and shall hold office for a time and in whose name all deeds, writings, and securities of the Parish shall be held and taken.

Two (2) elected Trustees shall hold any freehold property and three (3) elected Trustees shall hold all other non-freehold assets.

A Trustee shall sign a Declaration of Trust and any other document relating to the trust whenever required to do so by the Church Council.

Upon a Trustee ceasing to hold office by any of the reasons given in 5.7.4 then the Church Council shall within 14 days appoint such a person that it, in its absolute discretion, shall deem fit to act as a Trustee until the next Annual General Meeting when the office of the Trustee shall be declared vacant and an election to fill the position will be held.

5.8.2 Auditor

The Parish shall have one Auditor to audit the annual financial statements of account of the Parish. The Auditor's report will be submitted to the Annual General Meeting together with the annual financial report according to 9.4.1.

The Auditor is appointed at the Annual General Meeting each year. The Auditor can be re-appointed.

5.8.3 Resignations

Any member of the Church Council or any Trustee may resign from office, by notice in writing to the Church Council. No such resignation shall absolve any council member or Trustee from any liability for any act or omission attributed to him/her whilst in office (see below, section 9.5.7).

5.8.4 Exclusion of members or Trustees

Any member of the Church Council or any Trustee shall be required to vacate or be deemed to have vacated his office;

- on his/her decease, or
- if he/she becomes bankrupt, or
- if he/she becomes mentally ill, or
- if he/she is absent without leave for six months from Council meetings, or
- if he/she ceases to be a member of the Church, or
- upon a resolution being passed by simple majority of members present at a properly constituted general meeting specially called for the purpose of removing him/her from office, or
- when the Trustee or Church Council member reaches the age of 80.

5.8.5 Filling of vacancies

Any vacancy caused by death, resignation or otherwise of any Church Council member may be filled by the Church Council by the appointment of an eligible member to fill such vacancy until the next Annual General Meeting.

§6 Voting rights and Eligibility

6.1 Voting rights

A person who is a registered member of the Parish and has reached the age of 18 by the date of the Annual General Meeting, and has paid their membership subscription for the relevant year has the right to vote at such meeting. New members or members that have not paid their membership subscription for the preceding three years, shall not be entitled to vote until 3 months from the payment of their subscription.

The voting membership shall be defined by an Electoral Roll prepared before the meeting.

6.2 Eligibility

A person who is a member of the Parish, has been baptized, and reached the age of 18 by the date of the election, is eligible to stand for election to vacant position on the Church Council.

§7 Services of worship in the life of the Parish

Following consultation with the director of church music, the Vicar and Church Council may decide which forms of the main Sunday service, as stated in The Handbook of the Church of Sweden (*Den svenska kyrkohandboken*), in addition to the Sunday Eucharist, shall be used in the Parish.

After consultation with the Church Council, the director of church music of the Parish and the Vicar will establish a plan for worship services in the Parish.

If there is disagreement between the Church Council and the Vicar of the Parish concerning the plan for worship services, the matter may be referred to the Cathedral Chapter of the Diocese for decision.

The Church Chapel may be made available for other purposes than worship services and other Parish activities, only when such purposes do not violate the sanctity of the venue. The Church Council makes the decision regarding such use, following a statement by the Vicar of the Parish.

§8 Parish registers and church rites (Baptism, Confirmation, Marriage and Burial)

The Parish shall maintain Registers of Baptism, Confirmation, Marriage and Burial. In these Registers shall be entered those items of information required according to the Regulations concerning Church Registers, issued by the Church of Sweden Board (*Kyrkostyrelsen*).

§9 Finance and Property

9.1 Financial administration

The Parish shall exercise good financial stewardship in all their activities.

- The Parish shall have a financial position which forms a secure buffer in times of economic stringency.
- The Parish shall manage its finances in such a way as to meet the requirements for good returns and security of assets.
- The Parish funds shall be managed in an ethically defensible manner according to the fundamental values of the Church of Sweden.

- The Parish through its Church Council shall be engaged in the upkeep and maintenance of church premises and parish buildings including accommodation for staff and other property assigned for church use.

9.2 Budget

A budget shall be established annually for the following budget year. The budget year runs in parallel to the calendar year. The budget shall contain a plan for the activities and finance during the budget year. The budget shall also comprise a financial plan for a period of the following three years.

9.3 Offerings

In connection with church services and devotional gatherings offerings may be collected in support of the work of the Church of Sweden or some other purpose which may be regarded as important to the Church of Sweden. Decisions regarding the purposes of offerings are made by the Church Council. The Church Council may delegate single decisions about the purposes of offerings to the Vicar of the Parish.

9.4 Audit

9.4.1 Audit Report

The Auditor shall present to the Annual General Meeting an audit report for the preceding financial year, which shall indicate whether or not there are any matters of which he/she is critical. The grounds for any such criticisms shall be given. A summary of the accounts and the audit report shall be sent to the Board of The Church of Sweden Abroad or a similar body.

9.4.2 Adoption of the accounts

When satisfactory explanations have been received for any points of criticism raised in the audit report, the Annual General Meeting shall resolve, at a meeting before the end of the year following the year for which the audit was carried out, whether the accounts should be adopted and the Church Council discharged from liability, or whether any steps need to be taken to safeguard the interests of the Parish. Any decision not to adopt the accounts shall be communicated immediately to the Board of the Church of Sweden Abroad or similar body.

9.4.3 Discharge from financial liability

If no objection to the adoption of the accounts is received within one year from the time of the presentation of the audit report at the meeting of the Annual General Meeting, discharge of the Church Council from financial liability shall be deemed to have been granted.

9.4.3.1

Even if the accounts have been adopted, objections may be raised regarding any loss caused by a criminal offence unless discharge from liability was granted expressly for such an offence.

9.5 Property of the Parish

All real estate fixtures, chattels, and all other assets of the Parish shall be vested in the name of the Trustees, providing legal title to the same shall remain the actual and absolute property of the Parish, as for the time being in Trust for the members of the Parish hereof and subject to the Constitution hereof. In accordance with Australian law,

the duly elected (see 5.7.1) Trustees shall represent the Church of Sweden Abroad as owners of the freehold of the church premises.

9.5.1

The Parish may receive and disclaim property of any nature whether or not it is subject to any express conditions or trusts. The Parish may purchase or otherwise acquire and hold property of any nature and may sell, lease, mortgage or otherwise deal with the same.

9.5.2

Such investments may be in or upon shares, stocks, funds, securities, investment and property, real or personal, freehold or leasehold, in any part of the world upon such terms and conditions (if any) as the Church council shall think fit and in all respects as if the Church Council were the sole beneficial owners thereof, subject to the laws of Victoria concerning trust funds. The Church Council may from time to time direct the Trustees to sell, vary and transfer such investments and property.

9.5.3

In the event of the Parish Freehold being sold the proceeds of sale shall be deposited into a bank account in Melbourne and be retained/invested as the Church Council sees fit providing any such investments are secure trustee status investments and providing that 80 % of such funds are retained in liquid assets.

9.5.4

The Church Council may deal with the said investments as if they were the sole beneficial owners thereof and without prejudice to the generality of this power. The Church Council may borrow for the general purposes of the Parish such sums as may be required by it at the then current normal commercial rate of interest and may charge the payment of the sum upon any property of the Parish. The Trustees shall give effect to any decision of the Church Council about a loan.

9.5.5

If legal proceedings of any kind are resorted to or defended by the Parish, the Trustees shall on the instructions of the Church Council but not otherwise, prosecute or defend such proceedings either in the name of the Parish, or in the names of the Trustees, or otherwise on behalf of the Parish, as may be necessary.

9.5.6

The Trustees shall in all respects act as required by the Church Council, and a copy of the Minutes of the Church Council, signed by the Council appointed minute taker and two other members of Church Council, shall be conclusive evidence of its decision.

9.5.7

The Trustees shall be effectively indemnified by the Church Council from and against any liability, costs, expenses, and payments whatsoever which may be properly incurred or made by them in relation to the Trusts of the property and investments of the Parish, or in relation to any legal proceedings, or which otherwise relate directly or indirectly to the performance of the functions of a Trustee of the Parish, under the provision that the Trustees have acted in a reasonable and honest manner.

9.5.8

Moreover, the Chairman, Secretary/Treasurer, members of Church Council and other officers of the Church shall be indemnified from and against all costs, charges, losses, damages, judgments and court orders, and expenses of any and every kind whatsoever

which any of them may sustain, incur or put to in or about the execution or discharge of their respective trusts under the provision that such persons shall have been found to act reasonably and honestly and with bona fide belief that they were carrying out their duties. The amount of such cost charges, damages, and expenses for which an indemnity is intended to be herein provided shall immediately, after the same shall have been sustained or incurred, be paid by the Chairman and/or Treasurer from the funds of the Church and no officer or Parish member shall be answerable or accountable for anything done or omitted by any other person or persons whatsoever but for his/her acts deed and default only.

§10 Changes to the Constitution ³

Any amendment or changes to this Constitution is decided upon by the Annual General Meeting. Amendments or changes to this Constitution gain validity only after identically formulated resolutions at two General Meetings, of which one shall be an Ordinary Annual General Meeting. Resolutions are arrived at by two-thirds majority vote.

§11 Dissolution

Motion to dissolve the Parish gain validity only after identically formulated resolutions at two properly called and constituted General Meetings by notice explicitly stating the purpose of such meeting. The quorum to be at least one third of the total membership at each meeting. Resolutions are arrived at by two thirds majority.

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³ This Constitution is proposed for adoption by the Annual General Meeting of the members of the Swedish Church in Melbourne as normative for an interim period by the Swedish Church Council in Melbourne, until such time as the General Constitution of the Swedish Church might be changed.