

### III.1

**CONSTITUTION OF THE PROTESTANT  
CHURCHES A. and H.C. IN AUSTRIA**  
**passed by the General Synod on 16<sup>th</sup> June 2012**  
(Canon of the Protestant Church A. and H.C., Official  
Journal No. 295/2012, 110/2013, 132/2013, 144/2013  
and 58/2014)

**PREAMBLE TO THE CONSTITUTION OF THE  
PROTESTANT CHURCH  
IN AUSTRIA**

The Protestant Churches of Augsburg and Helvetic Confession in Austria stand in union with the One Holy Christian Church. They believe in the Triune God, are based on the Gospel of Jesus Christ as witnessed in the entire Holy Scripture and obey the commands of its Lord to preach aloud the Gospel and govern the sacraments according to God's Word.

The Protestant Churches A. and H.C. in Austria unite the Protestant Church of Augsburg Confession and the Protestant Church of Helvetic Confession on Austrian soil in joint service, in joint actions of love and joint administration.

Both Churches, having been brought together in their history by God, share their adherence to the path assumed by the fathers of the Reformation, above all in their recognition that Salvation can be found in Jesus alone, offered by God's mercy alone and received only through faith.

### III.1

Both Churches have adopted the Leuenberg Agreement of reformed churches in Europe; they thereby stand in ecclesiastical alliance with all of the other signatory churches.

Both Churches are consciously bound in confession, doctrine and internal structure to their confessional documents. The confessional documents of the Protestant Church of the Augsburg Confession are collected in the Concordance Book of the Lutheran Church. The confessional documents of the Protestant Church of the Helvetic Confession are considered predominantly to be the second Helvetic Confession and the Heidelberg Catechism.

Both Churches recognise the Theological Declaration of the Confessional Synod of Barmen as the binding witness for their service.

Both Churches are conscious of their commitment to constantly check anew their confession against the Holy Scripture.

Both Churches acknowledge the lasting election of Israel as God's people and are aware of their acceptance into God's History of Salvation via their Lord Jesus Christ.

The Protestant Churches A. and H.C. in Austria, in their certainty that all external order of the Church must be governed by the decree of the Lord of the Church, therefore accord themselves on the basis of this decree the following constitution:

**I. Basic Principles**

**Article 1.** (1) The Protestant Church receives, acknowledges and preaches the Gospel of Jesus Christ; in all its elements it is a Church that learns and teaches, serves and celebrates and lives in fellowship.

(2) The message of the Holy Scripture contained in the Old and New Testaments applies to all humankind. For this reason everyone is invited to participate in Church life and its divisions, particularly in holy worship.

(3) General membership of the Church of Jesus Christ is based on baptism in the name of the Holy Trinity.

(4) As a community of sisters and brothers, the Protestant Church bears witness to Jesus Christ as Head of the Church. In Him all differences between humankind have lost their divisive effect. No-one shall be disadvantaged on this basis. Every regulation and act of the Protestant Church in Austria must be measured according to this principle.

(5) The Protestant Church realises its affinity with other religious communities and Christian churches via its openness to ecumenical discussion in the various regional and international co-operative forums, such as the World Council of Churches, the Ecumenical Council of Churches in Austria, the Community of Protestant

Churches in Europe and the regional and international confessional associations.

(6) In its divisions and actions the Protestant Church must respect and advocate the dignity of each and every human being. It seeks dialogue and co-operation with people and groups concerned for human dignity, justice, peace and the preservation of creation.

(7) The Protestant Church of Augsburg Confession and the Protestant Church of Helvetic Confession are structured according to the presbyterial-synodal principle. They are subject to the challenge of constant reform (ecclesia semper reformanda).

(8) All divisions are responsible for the organisation and promotion of Christian belief and way of life.

(9) The Protestant Church in Austria seeks by means of this Church Constitution to promote orderly Christian relations amongst its full members, parishes, projects and institutions, particularly by means of structured procedures, fair and equal treatment and status, and the protection of rights.

**II. Membership and Congregation**

**Article 2.** (1) Full membership of the Protestant Church of Augsburg Confession (Lutheran Church) and of the Protestant Church of Helvetic Confession (Reformed

### III.1.1

Church) ensues via baptism in one of these Churches or from entry as a general member into the Church of Jesus Christ (Art. 1 para. 2). No-one can be forced into full membership against his conscience.

(2) Full members are invited to participate in and to contribute their own particular talents to Church life.

(3) Full members can avail themselves of the provision of any preaching, sacrament, pastoral care and assistance.

(4) Full members have the right to co-determine Church life in accordance with church ordinances.

(5) Full members are obliged to contribute towards Church life in accordance with the regulations pertaining to church contributions.

**Article 3.** (1) Protestants whose primary or subsidiary seat of residence is in Austria belong to that parish of their confession which covers the primary or subsidiary seat of residence. Whilst practising the confession, they are a full member of the Protestant Church to which this parish belongs.

(2) Protestants have the right to choose a different parish from that which covers their primary or subsidiary seat of residence.

### III.1.1

(3) Every full member of a parish can, subject to prior statutory delegation, receive an act of ministry from a minister other than his allocated (regular) minister.

(4) Full membership, elections and procedures within the organs of the Church are regulated more precisely via the relevant canons.

### III. Specific ecclesiastical responsibilities

#### 1. Welfare and Social Work

**Article 4.** (1) Welfare and social work belong to the core activities of the Church as a real-life manifestation of Protestant belief, providing Christian charity particularly to the young, old, sick and poor who are in various forms of physical, mental and spiritual need.

(2) The Protestant Church is conscious of its duty to fulfil its diaconal duty and to provide adequate personnel and finances for welfare and social work. All ecclesiastical authorities have the duty to support this service in every way possible.

(3) Diaconal responsibility must be accorded adequate attention in respect of the compilation of study programmes, training guidelines and job descriptions, whether this be for individual officers or church offices,

### III.1.1

Protestant Church associations, corporations or co-operatives and church projects.

(4) The service provided within diaconal associations and projects is primarily one of love. They perform this Church duty via their caring and missionary work in their institutions, homes and other facilities, and by this means promote the diaconal work of the Church within the community.

(5) The diaconal facilities are only to be classified as “Protestant Christian”, or as Church projects, if and when they function in proper conformance with article 72 para. 1 of the guidelines of the Austrian Deaconry.

#### 2. Youth Work

**Article 5.** (1) Extra-curricular youth work is a significant responsibility incumbent upon the Church. The aim is to gather Protestant young people around the Gospel of Jesus Christ and to equip them for diaconal and missionary service in His name.

(2) Youth work is predominantly a local duty that falls to the parishes. Within the Superintendentcy, the Church H.C. and the National Church this work is performed by the respective bodies of the Protestant Youth and determined by its own regulations.

### III.1.1

#### 3. Protestant Schooling and Religious Education

**Article 6.** (1) All Protestants, but particularly children and pupils, have the right to religious education. Church offices must make sufficient provisions to fulfil this duty.

(2) Protestant schooling and religious education are fundamental tasks of the Church, the individual aspects of which are regulated by canon law.

(3) The establishment, expansion, running and closure of Protestant schools are regulated by canon law.

(4) Matters of religious education are regulated by canon law.

#### 4. Student Chaplaincies

**Article 7.** (1) Student chaplaincies are Church institutions that consider themselves part of the Protestant Church and function in ecumenical openness at universities and colleges of higher education in particular.

(2) The visitation of student chaplaincies is the responsibility of the Senior Church Council A. and H.C. via its Chairperson and his or her appointed representative in collaboration with the respective Superintendent(s).

## 5. Women's Organisation

**Article 8.** The Protestant Women's Organisation in Austria represents a core responsibility of the Church. It promotes Protestant women's issues at all levels throughout the Protestant Church A. and H.C. in Austria. Matters in this field are governed by canon law.

## 6. World Mission

**Article 9.** The Church performs its mission towards the world of nations. This mission is primarily a duty of each and every parish. Church and parishes act responsibly to perform the duties of world mission in liaison with the World Council of Churches and the confessional world associations, missionary societies and the mission-based churches.

## IV. Church Offices

### 1. General Provisions

**Article 10.** (1) The entire Church is responsible for paying witness to the Gospel. The Church executes this vocation via various offices and services.

(2) The office of public, theologically justified proclamation of the Gospel in word and sacrament, free

from temporal and geographical restrictions, is accorded by means of ordainment.

(3) Other ecclesiastical offices and services also bear witness to Gospel in word and deed – in particular those in the areas of parish leadership, the diaconry, education, schooling or church music.

(4) In cases of emergency any baptised member of the Church can and should carry out individual actions of the ministry. For the sake of order, any such activity should be sanctioned retrospectively by the appropriate Church body.

(5) All office bearers, whether ecclesiastical or secular, perform their duties in the name and on behalf of the Church. They must belong to the Protestant-Lutheran Church (Protestant Church A.C.) in Austria or the Protestant-Reformed Church (Protestant Church H.C.) in Austria, unless canon law, or agreements with other churches, stipulate exceptions.

(6) Appointment to ecclesiastical office normally occurs by means of election.

(7) All elections are fundamentally subject to the same, direct, secret and personal electoral law. A person is elected if he or she gains more than half of the votes cast, unless the Church Constitution or Electoral Procedure

### III.1.1

stipulates otherwise. Postal voting is admissible for elections to the parish council and to the position of the minister.

(8) Regulations concerning electoral procedure are stipulated more precisely in the specific canon law.

(9) Upon the loss of any criterion for a certain office, that office itself is also immediately surrendered, irrespective of whether it was originally assigned for a set period or an unrestricted length of time.

(10) Anyone who has assumed a function in a church body, for which a specific period of office was determined at the time of election, should continue to perform this function beyond that point until the formal completion of the new election, as long as his or her personal capacity to do so still remains.

**Article 11.** (1) Every bearer of office has the right and duty to undertake further training for the office in question. Appropriate provisions should be made for this training by the responsible church authorities.

(2) The disciplinary order of the Protestant Church is applicable to all office holders.

(3) In the Protestant Lutheran Church the “Regulation governing Doctrinal Instructions” stipulates the procedure

### III.1.1

for determining whether someone persistently contradicts fundamental points of the Biblical message according to reformist understanding in his confession or teachings. In the Protestant Reformed Church this responsibility is assumed by the Synod.

(4) All office holders are accountable in their performance of duties to the appointing body as well as the superior authorities. All those who participate in the management of assets are also accountable according to civil law.

(5) Office holders are forbidden from demanding, accepting or being promised a gift or other asset or advantage for themselves or for a third party in connection with their position. This does not apply to donations for church institutions and charitable means. Customary local or regional compliments of low value are not considered as gifts in this context.

**Article 12.** (1) All office holders are permanently obliged to maintain strict secrecy concerning all matters which are specifically classified as confidential. This still continues to apply even after cessation of office in the church. The obligation to confidentiality of office does not apply vis-à-vis the appointed supervisory church bodies, unless this would involve divulging pastoral matters and/or breaching the seal of confession.

### III1.1

(2) An office holder can be released from his or her obligation to confidentiality of office by the Bishop or National Superintendent. The inviolability of the seal of confession is not affected by this regulation.

(3) Members of disciplinary bodies, their secretaries, investigating officers and disciplinary solicitors are excluded from any release of obligation from the confidentiality of office concerning disciplinary matters.

(4) If a holder of ecclesiastical office is being pursued by the authorities on the basis of activities carried out in the performance of office, which would not, however, invoke any ecclesiastical disciplinary procedure, the Church must provide appropriate legal counsel.

(5) Office holders must return of their own volition and without being requested to do so any official documents which are held in their possession upon termination of their office.

### V. Church Structure and Administration

**Article 13.** (1) The following are independent institutions:

1. the Protestant Church A.C. (Protestant-Lutheran Church) and its parishes and Superintendent constituencies;

### III1.1

2. the Protestant Church H.C. (Protestant-Reformed Church) and its parishes;
3. the Protestant Church A. and H.C. in Austria (National Church);
4. the church facilities, institutions and foundations;
5. the Parish Associations according to art. 31 para. 6.

(2) The body of the Church consist of the following organs:

1. at parish level: the parish council or parish assembly and the parish forum; also the presbytery; for parish associations (art. 31 para. 6), as public corporations, the association boards and committees;
2. at Superintendent constituency level: the Superintendent Assembly and Superintendent Committee;
3. for the Protestant Church A.C. (Protestant-Lutheran Church) and for the Protestant Church H.C. (Protestant-Reformed Church): the respective Synod A.C./H.C.; the respective Presbytery A.C./H.C.; also the respective Senior Church Council A.C./H.C., and in respect of the issuing of interim injunctions the Legal and Constitutional Committee and the Financial Committee;
4. for the Protestant Church A. and H.C.: the General Synod, joint sessions of the Church Presbyteries A.C. and H.C., the Legal and Constitutional Committees and the Financial Committees in joint session

### III.1

whenever they pass binding resolutions and the Protestant Senior Church Council A. and H.C.;

5. for the projects, the Protestant Church communities, societies, institutions and foundations of the Protestant Church in Austria: the respective organs as appointed within their organisation.
6. the Disciplinary Senates of the 1st and 2nd Instance and
7. the Senate of Appeal.

(3) The members of the Disciplinary Senates and of the Senate of Appeal exercise their functions independently, autonomously and free from instruction.

(4) The instigating church organs are responsible for the activities of the respective committees, commissions and project teams.

(5) Local associations between parishes of the A.C., between parishes of the H.C. and between parishes of the A.C. and H.C. are permitted and should be encouraged. Binding agreements within the Church can be made between H.C. parishes and Superintendent constituencies.

(6) The Church is governed by the Senior Church Council A. and H.C. in accordance with § 7 of the Protestants Act 1961; exceptions to this are liturgies, especially those of a confessional nature, which the

### III.1

Senior Church Council of either A.C. or H.C. has to observe. The Senior Church Council A. and H.C. represents the Protestant Church in Austria in dealings with state authorities; it follows the relevant evaluation procedures to form the Protestant opinion on draft legislation and regulations presented by the federal, regional and local authorities; it participates in domestic consultation processes regarding policies and regulations of the European Union.

**Article 14.** (1) All Church organs have the right and duty to construct and perform their operations within the framework of the Church Constitution, its canons and any other ecclesiastical regulations. These are all matters that are exclusively or predominantly in the interest of the body of the Church and which can appropriately be completed within its realms of jurisdiction.

(2) All Church bodies participate in the life and course of the Church by means of co-decision and co-responsibility, whether directly by means of petition or indirectly via their elected representatives.

(3) Parishes, parish councils, Superintendent constituencies and church facilities are all entitled to be kept informed about intentions, opinions and resolutions of the Protestant Church in Austria and the Deaconry. They must be given a hearing prior to any decision or amendment of regulations which might affect them. They are obliged to punctually inform the Senior Church

### III.1.1

Council A.C., the Senior Church Council H.C. and the Senior Church Council A. and H.C. prior to any legal proceedings, certainly prior to any legal action before the highest courts, the European Court of Human Rights and the Courts of the European Union.

(4) Congregations are entitled to apply supplements to the church contribution (local levy).

**Article 15.** Procedure for administrative matters within the Church is governed by the Rules of Procedure (“KVO”). The highest authority in decisions of this nature is the Senior Church Council A.C. or H.C. respectively and, regarding any issues of mutual concern, the Senior Church Council A. and H.C., unless otherwise stipulated.

## VI. The Church’s Representative Bodies

### 1. General Provisions

**Article 16.** (1) The Church’s representative bodies act in accordance with the Rules of Procedure of the Protestant Church, unless contrary regulations have been adopted in that body’s rules of procedure, parish code or similar.

(2) The rules of procedures for Synods, the General Synod, the Church Presbyteries and all of their respective committees, commissions and project teams are

### III.1.1

determined by the Synods; the Superintendent Assemblies determine their own rules of procedure.

(3) Every member of any representative body or organ of the Church is bound when speaking or voting to follow only his or her own convictions to the best of his or her knowledge and conscience; he or she cannot be ordered to follow directions. He or she must refrain from active office or participation and organise instead a substitute if reasons exist which might be seen to compromise his or her utter impartiality. The Church Procedural Regulations define this subject in more detail.

(4) All members of a Church’s representative body are bound by its resolutions.

(5) All members of a Church’s representative body are obliged to attend its meetings. Any member who cannot attend must give explanatory notice in good time, such that his or her reserve can be called upon.

(6) Elected members who have missed three consecutive meetings without explanatory apology can, if there is no response to exhortations, be declared as forfeiting their membership by majority decision of that representative body. The procedure under such circumstances in respect of ex-officio members is to submit a disciplinary complaint.

### III.1.1

(7) A cleric's membership in church organs and any additional roles within the church are suspended for the duration of any sabbatical leave.

(8) The parish council, the Superintendent Assembly, the Synod or the General Synod can temporarily release a member from execution of his or her mandate, if so petitioned by the member in question. The excused member resumes her/his office upon expiry of his or her leave of absence, as long as he or she does not, within eight days of the end of the authorised absence, notify the Chairperson in writing of intent to resign the mandate.

(9) Upon the member's resumption of his or her office the temporary substitute's mandate is terminated.

(10) The regulations stipulated in para. 8 and 9 also apply to members of the Presbytery, Superintendent Committee or Senior Church Council.

(11) Members of the parish councils, presbyteries, preaching station committees, Superintendent Assemblies, Synods and the General Synod perform these functions on an unpaid, voluntary basis.

## 2. Incompatibilities

**Article 17.** (1) No-one can be elected to membership of two or more representative bodies or organs within the

### III.1.1

same section. Should a person be elected or appointed to more than one representative body or organ of the Church he or she must opt for membership of just one of those representative bodies or organs.

(2) Apart from the parish council, parish assembly, parish forum, Superintendent Assembly, Synods and the General Synod, the following cannot belong simultaneously to a representative body, the Senate of Appeal or disciplinary authority: spouses, life companions or registered life partners, siblings, direct relatives or in-laws in ascending or descending line, siblings' children, or persons who are even more closely biologically related or related by marriage to the same degree. Membership of representative bodies or organs is also prohibited should power of attorney or other supervisory powers be granted between the named parties; should this become the case during a period of office the party concerned must resign his or her office, unless tolerance is granted by the respective responsible organ of the church. This regulation must be observed prior to election to a representative body or appointment to other organs. Electoral Procedure and the rules of procedure for the specific representative bodies define this subject in greater detail.

(3) Persons who are employed by or financially dependent upon a parish, part parish, superintendent constituency, the Church Office of the Protestant Church

### III.1.1

A.C. or the Church Chancellery of the Protestant Church H.C. are excluded from membership in any representative bodies of their institutions or their Churches, apart from the exceptions cited in art. 35 para. 1 line 4. This does not apply to the delegation of representatives by institutions to the Synod A.C., Synod H.C. and the General Synod. The Senior Church Council A.C. or H.C. can authorise exceptions to this ban in cases where there is deemed to be no threat to the interests of the Church.

(4) Tolerance of the incompatibilities cited in para.s 2 and 3 can be granted in cases worthy of consideration, either prior to or following an election, by the Superintendent Committee A.C. or the respective Senior Church Council H.C. or A.C., although not to the spouse of a cleric appointed in that parish, as long as art. 42 para. 1 line 1 is not applicable.

(5) Leading spiritual positions within the Church must be occupied by academically qualified clergy.

**Article 18.** (1) Any person appointed to supervise a church project, Protestant Church association, corporation or co-operative, church foundation or institution is not permitted to belong to a managing body of that facility, unless a specific canonical regulation allows or specific extraordinary dispensation has been granted by the Senior Church Council responsible for its supervision. Any

### III.1.1

election carried out in contravention of this regulation is thereby rendered null and void.

(2) Members of the Senior Church Council are excluded from simultaneous membership of a Superintendent Committee.

(3) Members of the Synod Presidium or of a Superintendent Committee are excluded from simultaneous membership of the Senior Church Council A.C.

(4) The Chairperson and Deputy Chair of the Synod H.C. are excluded from membership in the Senior Church Council H.C.

**Article 19.** (1) Public service within the Church (art. 20 para. 1), with the exception of service as a Church musician, is incompatible with the assumption and execution of a political office or mandate at European, federal or regional level; this mutual exclusivity also applies to the office of Local Mayor and, within Vienna, any leading political function within a district of the city; however this does not apply to membership and participation in a parish council or forum and in the Superintendent Assembly.

(2) Should the holder of a Church office cited in para. 1 apply for a political mandate also cited therein, his or her

### III.1

church function is suspended for the period commencing with the registration of his or her candidacy to the electoral authorities and ending with the publication of the official election results.

(3) Candidates for any of the political offices cited in para. 1 who are employed by the Church are to be given unpaid leave of absence for the period cited in para. 2, and this period does not qualify towards benefits linked to the length of service.

## VII. Parish Offices and Services

### 1. General Provisions

**Article 20.** (1) Members of Church bodies, the clergy, including lectors, religious teachers, deacons and deaconesses, community educators and church musicians all perform public service within the Church.

(2) The presbytery can appoint further colleagues to discharge other duties within the parishes. The duties of these appointees must be specifically defined and set in writing wherever an official contract of service is not otherwise necessary (art. 46 para. 3 line 6, art. 61 para. 2 letter a line 9).

(3) Colleagues appointed to public service within the Church discharge their duties in co-operation with and

### III.1

under the authority of the parish presbytery. Their investiture takes place in a parish service of worship. The form of inauguration for other colleagues is determined by the presbytery.

(4) Persons holding public office within the Church must observe the obligation of the Protestant Church of Austria to safeguard the confidentiality of church office and the seal of the confessional.

(5) The appointment of colleagues can be revoked by the appointing body or appointing bodies as long as no special regulations to the contrary exist. The reason for dismissal must be explained.

(6) Voluntary activity must be more closely regulated by canon law.

### 2. Awards

**Article 21.** (1) Special awards for persons who have performed outstanding service to the Church A.C. or the Church A. and H.C. can be created via canon law, stipulating the relevant criteria, procedure and nature of the award.

(2) No-one can apply for an award on his or her own behalf.

**3. Ministerial Service**

**Article 22.** (1) The minister is responsible for the spiritual leadership of the community. He or she is the responsible minister according to state law. In co-operation with the curate he or she represents the parish externally in all matters that are not the reserve of the presbytery.

(2) It is the minister’s responsibility to maintain church order and peace within the community and to protect the congregation’s rights.

(3) The minister is responsible for:

1. the service of preaching the sermon, the communion and official acts,
2. the spiritual leadership of the community in conjunction with the presbytery,
3. the running of the minister’s office according to art. 46 para. 3 as the chief minister,
4. performing legitimately assigned duties.

(4) In accordance with the ministerial commission the minister is independent from the presbytery and the parish council in respect of his or her preaching, teachings, religious education and pastoral care.

(5) If more than one minister is active within a parish a parish regulation should be drawn up regulating the respective spheres of activity and determining the specific scope of the leadership of the parish.

**4. Cross-Parish Offices and Services**

**Article 23.** (1) In order to create ministerial positions for specific tasks that transcend parish boundaries, the parishes concerned must join forces in accordance with art. 31. The creation of such ministerial positions requires the authorisation of the Senior Church Council A.C. or the Senior Church Council H.C.

(2) Church accountancy is subject to the provisions of the Registry Regulation and the Official Acts Regulation.

(3) The creation of ministerial positions for specific tasks in superintendent constituencies is subject to authorisation by the Senior Church Council A.C. The holder of such a position must be assigned to a parish office or superintendency.

(4) Ministerial positions for special joint church tasks can be created by:  
the Senior Church Council A.C. in concordance with the Church Presbytery A.C.; the Senior Church Council H.C. in concordance with the Synod H.C., or, in respect of National Church matters, the Senior Church Council A.

### III.1

and H.C. in concordance with the Church Presbyteries A.C. and H.C.

(5) Particulars concerning the respective sphere of activity, commensurate working hours, type of position and term of employment must be formally stipulated by regulations.

(6) For ministerial positions created according to para. 1 the regulations are to be compiled by formal agreement between all presbyteries concerned; for positions created according to para. 3 they must be compiled by resolution of the responsible superintendent assembly; for joint church ministerial positions created according to para. 4 they must be compiled by the Senior Church Council A.C. in concordance with the Church Presbytery A.C. or by the Senior Church Council H.C.; and for national ministerial positions they must be compiled by the Senior Church Council A. and H.C. in concordance with the Church Presbyteries A.C. and H.C.

## VIII. The Parish

### 1. Creation, Merging and Dissolution of Parishes

**Article 24.** According to the Federal Act of 6<sup>th</sup> July 1961 pertaining to Legal Relations with the Protestant Church (BGBl. No. 182/1961) existing parishes and part-parishes

### III.1

are officially recognised and enjoy the status of corporate bodies under public law.

**Article 25.** The Protestant Senior Church Council A. and H.C. in concordance with the Church Presbyteries A.C. and H.C. has to formulate special regulations for Protestants who come to Austria from a foreign Protestant church, particularly those from the Community of Protestant Churches in Europe (CPCE), and wish to form a new congregation based on their own language, nationality or ethnic group. A set of parish regulations must be drafted, then presented to and authorised by the Senior Church Council A. and H.C. These regulations must adopt the fundamental principles of the Church Constitution and its defining elements. The Senior Church Council A. and H.C. can, derogating from the requirements of art. 26, establish special regulations and render these subject to formal inter-church agreements.

**Article 26.** (1) The decision to create new parishes or part-parishes is taken by the Senior Church Council A.C. or the Senior Church Council H.C., and in cases of the personal congregations defined in art. 25 this decision is made by the joint Senior Church Council A. and H.C. in concordance with the Church Presbyteries A.C. and H.C.

(2) An application to create a new parish or part-parish (art. 30), to merge parishes and/or part-parishes or to dissolve parishes and part-parishes can be submitted to

### III.1.1

the Superintendent Committee A.C. or to the Senior Church Council H.C. by parish members who express the respective wish, by communication of this desire via their presbytery, or by the respective presbytery itself. In the superintendent constituencies A.C. the Superintendent Committee can also apply for the creation of a new parish or part-parish, or their merging or dissolution.

(3) An application for the creation of a new parish or part-parish must include:

1. proof of the need to create a new parish or part-parish; a need for a new parish or part-parish can be substantiated particularly with topographical and transport-related evidence, or information concerning long-term demographic considerations or the fact that membership in that parish exceeds 1500 people.
2. a breakdown of the finances necessary for the creation and maintenance of the new parish or part-parish together with a budget plan setting out the foreseeable outgoings and the means of covering them;
3. documentary evidence of existing finances and additional monies which can be raised (existing cash deposits, capital income, anticipated donations and income from collections). Claims to the property or usufruct belonging to the existing parish can only be counted towards available means if the congregation of the new parish or part-parish would rightfully own

### III.1.1

it/them on the basis of a special deed or would be allotted them by agreement;

4. details of the boundaries of the proposed new parish or part-parish; the boundaries should be presented by listing the political wards, jurisdictions or municipalities which would comprise the new parish or part-parish, or – if parts of municipalities are to be included – the precise boundaries should be presented in detail;
5. an application for the creation of a new ministerial post;
6. a statement of opinion from the Superintendent Committee A.C.

(4) All congregation members with voting rights resident within the proposed new parish must be given the opportunity to voice their opinions pursuant to the provision of art. 27 para. 3. Should the majority of eligible congregation members specifically oppose the creation of the new parish or part-parish this will prevent the creation thereof.

(5) If a number of other parishes would be affected by the creation of the new parish or part-parish, opinion must be sought from the respective presbyteries of all parishes concerned. If a number of other superintendent constituencies would be affected, opinion must be sought from the respective Superintendent Committees of all the superintendent constituencies concerned.

### III.1.1

(6) When determining the boundaries of the new parish or part-parish the utmost must be done to avoid its territory overlapping another superintendent constituency or crossing a federal state boundary.

(7) The official decision regarding the creation of a new parish or part-parish should stipulate its territory by recording the individual political municipalities encompassed, or parts thereof, where necessary providing precise details of such boundaries. The decision must be communicated to the presbyteries and superintendent constituencies concerned.

(8) If the membership of a congregation falls below 200, or if other significant factors, especially those named in para. 3 lines 1 and 2, call into question the justification for the continuation of that parish, those parishes or part-parishes should be merged or dissolved by the Superintendent Committee A.C., subject to authorisation by the Senior Church Council A.C. or the Senior Church Council H.C. The merging of parishes or part-parishes should occur pursuant to the provisions of art. 26 para. 3; in this case the accounts, inspection reports and any audits indicating the sustainable economic viability of the parish and/or part-parish replace the documentary evidence stipulated in art. 3.

### III.1.1

#### 2. Alterations to Existing Parish Territories

**Article 27.** (1) Amendments to the boundaries of parishes or part-parishes, apart from mergers, dissolutions or the creation of new parishes or part-parishes, occur by means of the exclusion or inclusion of individual municipalities, or reallocation of parts of municipalities.

(2) An application for reallocation can be submitted by either the majority of the voting members of the resident congregation of the area in question or by the presbytery of one of the parishes involved.

(3) In the first instance the presbyteries of the respective parishes must be consulted, in the other instance the consent is required of the majority of the resident voting members of the congregation being considered for reallocation, once the presbytery of the other parish involved and the voting parishioners resident in the area concerned have been duly consulted. The possibility of applying for optional allocation to a parish must be specifically pointed out during the consultation process. The voting members of the congregation are to be consulted in such a manner that the decision of the presbytery concerning the reallocation is conveyed to the parishioners together with the information that they can lodge an objection to the decision within four weeks and that if they fail to do so within this period of time this will be considered as a declaration of their consent.

### III.1.1

(4) The Superintendent Committee A.C. or the Senior Church Council H.C. can complete the procedure for amending parish boundaries on its own initiative even without the submission of applications according to para. 1; the affected parishes enjoy the right to submit comments.

(5) Parish boundaries in the Protestant Church A.C. are amended by means of decree of the relevant Superintendent Committee. If a reallocation affects more than one superintendent constituency the Senior Church Council A.C. makes the decision following consultation with the Superintendent Committees of the constituencies affected.

(6) The decree specifies the territory which is to be reallocated by listing the individual political municipalities or part municipalities, if necessary with a precise outline of the borders.

(7) The decree must be submitted to the presbyteries concerned and, if issued by the Superintendent Committee A.C., also to the Senior Church Council A.C. when it comes into force. Amendments to parish boundaries within the Protestant Church H.C. are effected by decree of the Senior Church Council H.C.

### III.1.1

(8) The same regulations apply to amendments of the distinction between mother and daughter parishes, as well as to the merging and dissolution of parishes and part-parishes.

**Article 28.** (1) An amendment to the description of a community as a parish A.C., H.C. or A. and H.C. or a change of designation of a parish A. and H.C. to the Protestant Church A.C. or the Protestant Church H.C. requires resolution by the parish council, which in turn requires, in the case of the Protestant Church A.C., approval from the Superintendent Committee A.C. and the Senior Church Council A.C., or, in the case of the Protestant Church H.C., the approval of the Senior Church Council H.C. or Senior Church Council A. and H.C., in order to be legally valid.

(2) If an amendment of the description of a parish A.C. or H.C. to A. and H.C. affects the boundaries of a parish A.C. or H.C., particularly if this entails a reduction in size of the territory, the same procedure as that for a reallocation applied for by a presbytery according to art. 27 para. 3 must be followed vis-à-vis the respective Senior Church Council responsible thus far for the parish concerned prior to the eventual consent or refusal by the Senior Church Council A.C. or the Senior Church Council H.C.

### III.1

**Article 29.** (1) If a parish or parish association ceases to exist, any remaining assets of the parish or parish association will pass into the administration of the next superior office. In the case of the Protestant Church A.C. this is the Superintendent Constituency and in that of the Protestant Church H.C. this is itself. Decisions concerning the subsequent use of these assets must respect any provisions stipulated in the parish regulations (art. 32) concerning dedications of special assets and in consideration of a possible future reinstatement of the parish or association. The resolution requires the approval from the relevant Senior Church Council A.C. or H.C.

(2) In the case of the dissolution of a part-parish any remaining assets are transferred to the hands of the parish, in which case the regulations stipulated in para. 1 should be applied appropriately.

### 3. Part-Parishes

**Article 30.** (1) Daughter parishes can be established within a parish for those members living far away from the location of the minister's office. This requires the approval of the parish presbytery. Daughter parishes cannot be created for congregations of less than 200 or more than 1500. The respective superintendent committee is responsible for checking the criteria. The provisions of articles 27 to 29 are applicable mutatis mutandis in this context. The process must be completed at least half a

### III.1

year in advance of the next parish council elections. If its membership falls below 50 the daughter parish must be dissolved by order of the parish council and merged with either the mother parish or another daughter parish. The dissolution of a daughter parish results in the dissolution of the mother parish if it was the only daughter parish. In such a case the mother parish is to be instated as a new parish. The measures necessary to complete this procedure are the responsibility of the respective presbyteries, in joint action if applicable.

(2) If one or more daughter parishes exist within a parish, that part of the parish which hosts the minister's office is referred to as the mother parish. It is classed as a part-parish.

(3) The part-parishes (mother parish and daughter parishes) together form the parish; the rights laid down in art. 14 are accorded to the parish as well as the mother parish and daughter parishes.

(4) In parishes where one or more daughter parishes exist, a special representative body must be elected for the mother parish and each daughter parish.

(5) In parishes where a mother parish and one or more daughter parishes exist, the composition of the parish presbytery must proportionally reflect the voting

### III.1

membership of the mother parish in relation to each of the daughter parishes.

(6) In part-parishes (mother parish and daughter parishes) the communal representative bodies (parish presbytery, parish council and committees) should be composed of delegates appointed from within the individual representative bodies of the part-parishes, as long as the parish regulations do not stipulate otherwise.

(7) Prior to the formation of individual representative bodies for the mother parish and any daughter parish, it is the duty of the existing parish representative bodies to attend to any matters that might be of particular concern to the mother and/or daughter parishes.

#### 4. Parish Associations

**Article 31.** (1) Parishes and/or part-parishes belonging to the same Protestant Church can form parish associations as a means of completing common tasks, fulfilling common needs or to enable common pastoral care by clergy. This requires the mutual consent of all presbyteries concerned and the drafting of regulations for that parish association. Parish associations are as a rule, no separate legal entities; they may, however, acquire this status (para. 6).

### III.1

(2) The creation of parish associations is to be encouraged. Admission to existing parish associations is regulated mutatis mutandis according to art. 26 and art. 31 para. 1.

(3) The resolutions of the presbyteries involved and the draft regulations for the parish association must be approved by the respective Senior Church Council A.C. or the Senior Church Council H.C. in order to come into formal effect. In the case of the Protestant Church A.C. the agreement of the appropriate Superintendent Committee must be obtained in advance. In the case of parishes and/or part-parishes belonging to the Protestant Church A.C. and the Protestant Church H.C. the approval of the Senior Church Council A. and H.C. is also necessary.

(4) Except in the case of para. 6, 1 c the completion of common tasks is the responsibility of a committee elected by the presbyteries of the participating parishes, the composition of which must be communicated to the responsible Superintendent or the National Superintendent, as appropriate.

(5) Withdrawal from a parish association must be passed as a resolution by one of the presbyteries in accordance with the provisions of the parish association regulations. The dissolution of the parish association can, if the parish association's regulations themselves do not stipulate the

### III.1.1

procedure for dissolution, be effected by mutual resolutions passed by the respective presbyteries or by means of a resolution passed by the Superintendent Assembly on a motion of the Superintendent Committee. Prior to such a motion all affective presbyteries must be invited to a hearing. All of these resolutions require authorisation by the responsible Senior Church Council in order to come into legal effect; in all other cases the Superintendent Committee must be consulted. In the Protestant Church H.C. the Senior Church Council acts in place of the Superintendent Committee.

(6) If the parish association is a separate legal entity, the following regulations apply, in addition to regulations mentioned above:

1. the parish association regulations must contain provisions
  - a. on the name that will indicate the goals and the status as an separate legal entity, and/or a short or abbreviated name or designation;
  - b. on a precise definition of the aims and goals;
  - c. on the creation of an association committee, consisting of elected representatives of all constituent parishes, and on an association board, the members of which will be elected by the committee; the board is to legally represent the association to the public;
  - d. on the division of responsibilities of the committee and the board, respectively;

### III.1.1

- e. on provisions about the representatives of the constituent parishes (cp art. 34);
  - f. and on audits and evaluations appropriate to the aims and goals of the association (cp art. 41);
  - g. on regulations on the process of the dissolution of the association.
2. The composition of the association's board must be notified to the competent Senior Church Council.

*Transitional Provision:*

*Existing parish associations which conform to the provisions of para. 6 have to adjust or correct their parish association regulations no later, than by June 30<sup>th</sup>, 2015.*

### 5. Parish Regulations

**Article 32.** (1) Every parish can compile its own parish regulations reflecting local conditions and established practices, as long as they do not conflict with canon legislation. As and where provisions of the Church Constitution or other canon laws are to be incorporated in the parish regulations they must be quoted ad verbatim.

(2) Resolutions to compile or amend a set of parish regulations require authorisation by the superintendent committee or the Senior Church Council H.C. in order to come into legal effect.

### III.1.1

- (3) Parish regulations must be drawn up:
1. if a parish consists of several part-parishes;
  2. if more than one minister is active within a parish;
  3. if the chair of the presbytery and the parish council within the Protestant Church A.C., normally occupied ex officio by the chief minister, is passed to the curate;
  4. if the minister's position is part-time, should become part-time or be filled as a part-time post;
  5. upon creation of a personal parish (art. 25).

(4) In the case of para. 3 line 1 the parish regulations must stipulate provisions for the dissolution or merger of part-parishes. In these cases it is particularly necessary to determine who should receive any remaining assets and who should assume outstanding debts.

(5) In cases pursuant to para. 3 line 4 the parish regulations must determine the precise official functions of the part-time position as well as the accompanying duties, such as further vocational training and adoption of extra-parish responsibilities. These parish regulations require authorisation by the responsible Superintendent Committee and the Senior Church Council A.C.

#### 6. Parish Council; Parish Assembly; Parish Forum

### III.1.1

**Article 33.** (1) Every parish, mother parish and daughter parish must elect a parish council. In daughter parishes with not more than 200 parishioners the responsibilities of the parish council can be assumed for any electoral term by a parish assembly, which is an assembly of all full members with voting rights.

(2) In respect of any fundamental issue concerning the future development of a parish, the respective presbytery or parish council can convene a parish forum for the discussion of each case in question. A parish forum must also be convened at the behest of at least 5% of parish members with full voting rights. It is a public forum. All voting parishioners must be invited to attend the parish forum by means of a recognised locally effective form of publicity; and in addition to this any interested parties who are not official members of the parish or members of the Protestant Church in Austria can also participate in the parish forum if invited to do so by the presbytery. All attendees have the right to speak; however only the full members of the parish with voting rights have the right to vote. Any ideas or proposals produced by the parish forum should be presented to the appropriate responsible church institution or to the organs of the parish for deliberation. The regulations of the Church Constitution and the Church Procedural Regulations shall apply here mutatis mutandis to procedure concerning the parish council.

### III.1.1

**Article 34.** (1) Parish councillors are elected for a term of 6 years and are eligible for re-election upon expiry of this term of office.

(2) The number of councillors to be elected to the parish council is 12-25 in parishes or part-parishes with up to 1000 parishioners and 20-50 in parishes exceeding 1000 parishioners.

(3) If parish regulations are compiled according to article 32 the number of representatives on the parish council should be stipulated therein. In all other cases the parish council determines the number of councillors to be elected. The number of parish councillors must be communicated to the relevant Superintendent Committee or, in the case of the Protestant Church H.C., the Senior Church Council H.C. Any subsequent amendment to the number of parish councillors requires authorisation by the relevant Superintendent Committee or the Senior Church Council H.C., as appropriate.

(4) Any parish council can allocate seats on the council to individual part-parishes or specific ministerial districts suitably in advance of elections. This resolution requires the authority of the relevant Superintendent Committee or Senior Church Council H.C., as applicable.

(5) If the number of elected councillors falls below the minimum stipulated in para. 2, an appropriate number of

### III.1.1

parishioners must be appointed as replacements by a two-thirds majority resolution of the parish council; such replacement councillors must fulfil the electoral criteria. However, a by-election will be required if the number of replacements exceeds one third of the seats on the parish council.

**Article 35.** (1) The following persons are ex officio members of the parish council:

1. the chief minister, or the administrator during an ongoing appointment process for a new minister;
2. all other clergy appointed for the spiritual care of the parish;
3. clergy and candidates allocated for the spiritual care of a parish;
4. the religious teacher appointed within the parish, and where there is more than one of these teachers a representative from amongst them as appointed by the presbytery; if a religious teacher from the parish is already included amongst the elected body of parish representatives there is no need for the appointment of a further religious teacher;
5. parish councillors appointed in accordance with art. 39 line 13;

and within the Protestant Church A.C. furthermore:

6. clergy employed in a Church facility on the basis of a written agreement with the presbytery and approved by the Superintendent Committee;

### III.1.1

7. ordained volunteers for the duration of their official service to the parish, however not beyond their 65th birthday. The responsible Superintendent Committee can approve an application from the parish council for an exception to this age limit.

(2) Ex officio membership of a representative body is compulsory and precludes eligibility for election into a representative body of another parish or superintendent constituency.

**Article 36.** (1) The names of the elected and, if any, appointed parish councillors are to be submitted to the Superintendency or the Senior Church Council H.C., as applicable, and announced within the parish by the traditional local means.

(2) The members of the new parish council are to be invited by the Chair of the outgoing parish council within a period of six weeks from the date of their election to the inauguration and constituent meeting of the representative body, where they must swear the following oath before the chief parish minister:

“I swear before God that in my role as representative of this community I will protect its inner and external welfare to the best of my ability and conscience and endeavour to encourage the growth of all areas of the Church for the sake of its Head, Jesus Christ.”

### III.1.1

**Article 37.** The office of an elected or appointed member of the parish council expires under the following circumstances:

1. resignation from office;
2. death;
3. resignation of membership of the Protestant Church in Austria;
4. formal procedural disciplinary expulsion from office;
5. loss of personal autonomy;
6. loss of any other electoral criterion;
7. in the cases outlined in article 16 para. 6.

**Article 38.** (1) The Chairperson of the presbytery (art. 43) is simultaneously the Chairperson of the parish council and parish forum (art. 33 para. 2), unless the parish regulations stipulate otherwise.

(2) A meeting of the parish council must be convened by the Chairperson within a month at the behest of at least one quarter of its members, the chief minister (administrator), or curate.

### III.1

(3) Procedures adopted by the parish council and the presbytery must adhere to the Church Procedural Regulations.

**Article 39.** (1) The remit of the parish council includes in particular:

1. the deliberation and resolution of fundamental issues as they affect parish life;
2. the election of the presbyters and auditors;
3. the determination of the location of the minister's office (art. 30 para. 2); wherever applicable the parish regulations should stipulate how the individual office responsibilities should be attended to within the part-parishes (art.42 para. 3 line 1);
4. the handling of the chief minister's annual reports as well as those compiled by other officials and any study groups that might have been convened;
5. the approval of the budget submitted by the presbytery;
6. the checking and approval of the parish and any part-parish accounts as well as those of their institutions and foundations;
7. the resolution of the parish regulations;
8. the creation and abolition of salaried posts within the parish;
9. the submittal of petitions for the allocation or assignment of clergy;

### III.1

10. resolutions regarding the acquisition, divestment or encumbrance of real estate as well as the completion of contracts for any leases exceeding three years;
11. the assumption of any debt obligations that will not be repaid within the accounting year, as well as any declarations of liability;
12. resolutions concerning any new construction, extension or modification of church buildings, their demolition or renovation works on such buildings and their facilities, as long as the costs for the latter cannot be covered by the income generated in the current accounting year; any resolutions concerning possible association agreements;
13. the designation of particularly distinguished members of the presbytery as honorary presbyter or honorary curate;
14. The election of up to three additional parishioners for membership of the parish council who are particularly well qualified in a specialist field and fulfil all election criteria.

(2) Any members of the parish or a part-parish who are suitably professionally qualified can be called upon for advice relating to the production of reports and during consultations.

(3) According to the Church Building Regulations, any resolutions pertaining to para. 1 line 11 are subject to authorisation by the relevant Superintendent Committee

### III.1.1

or the Senior Church Council H.C. or the Senior Church Council A.C., as appropriate.

(4) Any resolutions pertaining to para. 1 lines 9 and 10 are subject to authorisation by the relevant Superintendent Committee or the Senior Church Council H.C.

(5) Authorisation must not be granted in cases that fall under para. 1 lines 9 and 10 if there is good cause to believe that this might contravene any legislation or incur an economic loss. If a certificate can be presented that has been issued by chartered accountants, notaries or lawyers declaring that the proposed work raises absolutely no concerns, then the assessment can be restricted to its procedurally correct resolution and drawing of plans.

(6) Any documentation such as official planning permission or construction permits and copies of the legal contracts must be submitted immediately to the relevant Senior Church Council.

**Article 40.** (1) A parish council and/or an association committee as detailed in art. 31 can be dissolved, with a simultaneous call for new elections, by the relevant Superintendent Committee or the Senior Church Council H.C. if it grossly violates its duties or persistently acts in an illegal manner. This is particularly pertinent if the

### III.1.1

parish or parish association is no longer able to meet its financial obligations.

(2) In such cases the Superintendent Committee should immediately appoint an administration committee consisting of a member of the Superintendent Committee as its Chair and two further members appointed by the Superintendent Committee, or alternatively, in the case of parishes belonging to the Protestant Church H.C., three parishioners appointed by the Senior Church Council H.C. This administration committee is then responsible for fulfilling all of the parish council's or association committee's duties as well as the duties of the respective presbytery or of the respective association's executive committee.

(3) The period of office of this administration committee ends with the constitutional election of the new parish council or association committee; but in any case is limited to a maximum term of three years.

(4) If representative bodies find themselves inoperative on a permanent basis the provisions of art. 40 should be applied mutatis mutandis.

### 7. Audits

### III.1

**Article 41.** (1) Audits must be carried out in accordance with the guidelines issued by the relevant Senior Church Council in concordance with the Financial Committee.

(2) Unless otherwise stipulated by these guidelines, at least two auditors and one deputy are to be elected. One of the auditors must be a member of the parish council. In respect of the accounting period concerned, the auditors cannot be or have been members of the presbytery, or belong to the category of persons excluded according to art. 17 para.s 2 and 3. Any parishes whose accounts demonstrate over the course of two successive years a running net annual income in the regular budget in excess of €500,000.00 (i.e. after deduction of its church contributions) must appoint qualified external auditors to examine their accounts. They must be formally sworn in writing to confidentiality in all matters concerning the parish.

(3) In cases where no qualified external auditors are involved, the auditors must check the compliance of expenditure with the draft budget as well as whether all expenditure was correct, legal, appropriate and thrifty, and they must then submit their report to the parish council before it can formally pass the accounts.

### III.1

(4) In cases where qualified external auditors have been appointed, it is then the elected parish auditors' role to counter-check the external auditors' work.

### 8. The Presbytery

**Article 42.** (1) The following persons are ex officio members of the presbytery:

1. the parish or part-parish clergy, independently of the provision of art. 17;
2. the administrator during the appointment of a ministerial office;

and within the Protestant Church A.C. furthermore:

3. clergy appointed for the spiritual care of a daughter parish;
4. ordained volunteers for the duration of their official service to the parish, however not beyond their 65th birthday. The responsible Superintendent Committee can approve an application from the parish council for an exception to this age limit.

(2) The parish council of every parish must elect a presbytery from amongst its midst. In parishes that include part-parishes the parish regulations must stipulate the means by which their presbyteries are to be formed.

(3) The minimum age of eligibility for members of the parish council to join the presbytery is 24 years. This age

### III.1

criterion can be waived by the relevant Superintendent Committee A.C. or the Senior Church Council H.C. in exceptional circumstances.

(4) The number of members to be elected to the presbytery is determined by the respective incoming parish council, unless otherwise stipulated in the parish regulations.

(5) The number of presbyters should reflect the size of the parish council and lie within the range of four to eight in parishes and part-parishes with up to 1000 parishioners and six to 16 in parishes where the number of parishioners exceeds 1000, but in any case this number should not exceed one-third of the elected members of the parish council.

(6) Presbyteries in the Protestant Church H.C. can appoint one further member in parishes of up to 1000 and two further members in parishes exceeding 1000 parishioners in addition to the above. The appointees must fulfil the criteria for election to the parish council and be aged 24 years or over. Every appointment is subject to approval by a two-thirds majority in an anonymous ballot of the parish council, and if the two-thirds majority is not secured in favour, the appointment is rescinded.

### III.1

(7) The names, dates of birth, addresses and professions of the members elected to the presbytery must be communicated to either the respective Superintendent in the case of the Protestant Church A.C., who is then responsible for passing this information on to the Senior Church Council A.C., or to the Senior Church Council H.C. in the Protestant Church H.C.; and the names are to be announced within the parish by the traditional local means.

(8) The investiture of the newly elected members of the presbytery takes place in a celebratory service of worship.

**Article 43.** (1) Unless otherwise stipulated by the parish regulations, the most senior member in terms of age assumes the Chair of the first meeting, convenes the presbytery and carries out its business until the election of the Chair proper or curate; he or she is also responsible for organising the election of the vice Chairs or vice curates.

(2) In the Protestant Church A.C. parish regulations can stipulate that the Chair be assigned to the curate or, if he or she is unavailable, to his or her deputy, or, prior to the Chair's election, to the most senior member in terms of age. Whoever assumes the Chair, this does not affect the external representation of the parish in accordance with art. 22 para. 1.

### III.1.1

(3) In the Protestant Church H.C. the curate assumes the Chair, or his or her representative, that being the vice-curate, or, if the latter is also indisposed or, alternatively, prior to the election of a new Chair, the most senior member of the presbytery in terms of age.

**Article 44.** (1) The office of an elected presbyter expires under the following circumstances:

1. resignation or dismissal;
2. death;
3. resignation of membership of the Protestant Church in Austria;
4. formal procedural disciplinary expulsion from office;
5. loss of personal autonomy;
6. loss of any other electoral criterion;
7. in the cases outlined in article 16 para. 6.

(2) Elected presbyters or curates can resign their office or mandate prior to the completion of their full electoral term. Under extreme circumstances this resignation can come into immediate effect, otherwise upon completion of 14 days' notice. An elected member of the presbytery or a curate can be dismissed by the relevant Superintendent Committee or the Senior Church Council H.C. in response to the submittal of a corresponding petition by the parish council or presbytery; such a petition must have been supported by two-thirds of the respective voting members.

### III.1.1

(3) If a position within the presbytery is vacated mid-term, the parish council must elect at its next meeting a replacement from amongst its midst for the departed presbyter to serve the remainder of that term.

**Article 45.** (1) The presbytery elects from its midst a curate, his or her deputy, a secretary and a treasurer; if possible also vice-positions for each of these functions. Other members of the presbytery can also be assigned specific responsibilities.

Should one of these positions become vacant, a replacement must be appointed immediately.

(2) The presbytery can also appoint non-members for attending to specific assignments under its authority; during discussions concerning any issues relating to these areas they should be consulted but have no voting right.

(3) If an issue is scheduled to be discussed at a particular meeting of the presbytery that concerns a specific field of church activity such as extra-curricular youth work, women's activities, evangelism, community development, diaconry, church music, religious education or matters concerning Protestant schools, an official representative of the relevant area or facility concerned should be approached for consultation.

### III.1.1

(4) A meeting of the presbytery must be convened by the Chairperson within a month at the behest of at least one-third of its members, the minister (administrator), or curate.

**Article 46.** (1) In accordance with art. 1, the presbytery is jointly responsible with the head minister for the spiritual leadership of the parish or part-parish:

1. supporting the other clerical officers as a loving family;
2. scheduling the time and place of services of worship;
3. organising children's and youth services as well as encouraging extra-curricular youth work;
4. assuming responsibility for diaconal work within the parish;
5. fostering ecumenical co-operation with other churches and parishes;
6. participating in the appointment of clerical officers;
7. assisting the appointment of a temporary replacement minister to cover the head minister's leave, be this during their scheduled annual vacation or for any other absence.

(2) The presbytery takes responsibility for the proper representation of the parish or part-parish, in particular by

1. preparing and running all elections, including the upkeep of the electoral register;

### III.1.1

2. convening the parish council and executing its resolutions;
3. electing the secular representatives and their reserves to the Superintendent Assembly or the Synod H.C., as applicable;
4. submitting proposals to church offices concerning general ecclesiastical matters.

(3) The presbytery is responsible for the administration of all matters within the parish or part-parish, other than for those duties specifically assigned to the chief minister or which are the parish council's preserve; also for executing directives from superior offices and the legal representation of the parish or part-parish. Its particular responsibilities are as follows:

1. compiling a draft budget and submitting this information to the relevant Superintendent Committee or the Senior Church Council H.C., as appropriate;
2. levying church contributions and participating in the collection of parish fees and church contributions, in the role assigned to it by the Protestant Church A.C. or H.C.;
3. ensuring the exact payment of all debts incurred by the parish and part-parish;
4. presenting the annual report and the annual accounts, as checked and approved by the parish council, to the Superintendent's office and the Senior Church Council A.C. or the Senior Church Council H.C., by 31st March at the latest each year, unless an earlier

### III.1

date has been set by the Superintendent Committee or the Senior Church Council H.C.;

5. the investment of monetary assets as stipulated by the relevant Senior Church Council in art. 88 para. 2 line 5 / art. 98 para. 3 line 5 of the General Administration Regulations for all Church Assets;
6. the appointment and/or dismissal of personnel or termination of posts within the parish or part-parish; contracts of employment being subject to approval prior to formalisation by the relevant Superintendent Committee or the Senior Church Council H.C.;
7. decisions concerning the appointment of extra personnel, the revocation of extra posts or their investiture into office (art. 20 para.s 2 and 6);
8. ensuring appropriate vocational and further training for employees of the parish and part-parish;
9. the administration of the entire movable and immovable assets of the parish and part-parish, foundations' and special-purpose assets, as well as the insurance thereof;
10. decisions concerning parish and part-parish events;
11. maintaining a full inventory of property within the parish and part-parish;
12. the letting of church premises for non-worship purposes within the parish and part-parish, providing that any secondary use is in keeping with the spirit of the Church and the dignity of God's house;
13. responsibility for the safekeeping and good order of the ministerial archive.

### III.1

(4) The presbytery can establish by means of an agenda special taskforces, on a temporary or permanent basis, to attend to specific matters or special interests (art. 45 para. 2), particularly concerning those areas of life outlined in art. 1, and staff these accordingly with personally and professionally suitable parishioners or other qualified persons.

**Article 47.** (1) Should a presbytery or association executive committee neglect its duties or breach the law, in the first instance it falls to the respective Superintendent Committee or Senior Church Council H.C. to attempt to remedy the misconduct.

(2) Should such efforts remain unsuccessful or the presbytery or association executive committee render itself guilty of gross or persistent neglect of duty or persist in illegal activity, then the respective Superintendent Committee A.C. or Senior Church Council H.C. must order the dissolution of said presbytery or association executive committee and instigate fresh elections immediately. The convening of the parish council and its Chair are then the responsibility of the Superintendent or, in the parishes of the Protestant Church H.C., a named member of the presbytery of a neighbouring parish as designated by the Senior Church Council H.C.

### III.1

(3) If the new election is unsuccessful or a second dissolution of the presbytery or association executive committee has to be ordered within the period of one year, then the Superintendent Committee or the Senior Church Council H.C. must, instead of the presbytery and invested with the rights and duties of the dissolved presbytery or association executive committee, appoint an administration committee consisting of one member from the Superintendent Committee, as its Chair, and two local parishioners as appointed by the Superintendent Committee, or, in parishes of the Protestant Church H.C., between three and six parish councillors or other parishioners with full voting rights.

(4) The period of office of this administration committee ends with the constitutional election of the new presbytery or association committee; but in any case the maximum term is three years.

#### 9. Preaching Stations and Preaching Station Committees

**Article 48.** (1) In addition to preaching stations for regular or occasional services of worship, a preaching station can also be created within a parish for a specific geographic area by resolution of the presbytery and with the agreement of the head minister. The creation of a preaching station is valid for one term of office. Six

### III.1

months prior to its due expiry date a new decision must be made concerning its future.

(2) The respective Superintendent or National Superintendent must approve the creation of a preaching station, which must be communicated to the Senior Church Council A.C. or the Senior Church Council H.C.

**Article 49.** (1) The full voting members of the congregation can elect a committee to assume responsibility for the independent administration of matters specifically concerning their particular preaching station. In this case the regulations of Electoral Procedure must also be applied, mutatis mutandis, for the election of this committee.

(2) If the costs of the creation and maintenance of the preaching station are not borne independently, but by the parish, mother parish or daughter parish, any proposals of the preaching station's committee when exercising this right remain subject to the approval of the presbytery of the supporting parish or part-parish.

(3) Any acquisition of rights or adoption of responsibilities on the part of the preaching station vis-à-vis third parties requires approval by the parish presbytery.

### III.1

(4) The preaching station's committee consists of three to five elected members, for whom two reserves should also be elected. Art. 42 para. 6 applies mutatis mutandis. The chief minister, or his or her representative officer, or the administrator during the appointment process of a new minister, as well as the clerical officer responsible for the spiritual care of the preaching station are ex officio members of this committee.

(5) The preaching station's committee elects a Chair, a treasurer and a secretary. The details of these elected officers are to be communicated to the Superintendent or the Senior Church Council H.C. via the respective presbytery.

(6) The preaching station's committee is bound, mutatis mutandis, by the regulations that apply to the presbytery; however its sphere of influence is restricted to the matters outlined in art. 46 para. 1 lines 1, 2, 3, 4, 7 and para. 2 line 4.

## IX. The Superintendent Constituencies A.C.

### 1. General Provisions

**Article 50.** (1) Every parish within the Protestant Church A.C. must belong to a superintendent constituency.

### III.1

(2) A newly created parish should be assigned to that superintendent constituency to which the majority of its parishioners belonged to date, unless confessional position or other significant reasons demand otherwise.

(3) A majority of H.C. parishioners would determine the assignment of a newly created parish A. and H.C. to the Church H.C. and herewith to a superintendent constituency.

**Article 51.** (1) The creation of new superintendent constituencies or the dissolution of existing ones is effected by means of a Church Presbytery A.C. resolution in response to a corresponding petition submitted by the respective Superintendent Assembly.

(2) A joint application can also be submitted by the presbyteries of parishes who wish to join together to form a new superintendent constituency.

**Article 52.** (1) Alterations to the territory of superintendent constituencies in way of the addition or subtraction of individual parishes or part-parishes are effected by the Church Presbytery A.C. This requires either a corresponding application on the part of all parishes concerned and supported by a statement of opinion from the relevant Superintendent Committees or an application from one of these Superintendent Committees.

### III.1

(2) The boundaries of superintendent constituencies should not contravene those of Austria's federal states.

## 2. The Superintendent Assembly

### 2.1 Composition

**Article 53.** (1) The following are voting members of the Superintendent Assembly:

1. the Superintendent;
2. the Superintendent Curate;
3. one clerical and one secular representative from each parish, as elected by its presbytery from amongst its clerical personnel and the full voting parishioners respectively, as long as these persons have or have previously been members of the presbytery for at least one full period of office;
4. additional members according to para 4;
5. if the superintendent constituency includes a Protestant-theological faculty: a deputy from amongst the university professors of theology teaching at that faculty;
6. in superintendent constituencies with Protestant schools: a representative of each of these educational institutions;
7. a non-ordained member of the religious teaching staff employed at a general or vocational middle or high

### III.1

school or college within the sphere of compulsory education;

8. up to three members of the superintendent constituency who are particularly professionally qualified and also fulfil all of the criteria for election to a parish council, as appointed by the Superintendent Assembly.

(2) Members of the Senior Church Council A.C. are entitled to attend all meetings of Superintendent Assemblies, including any confidential discussions, but without voting rights.

(3) The following are non-voting members of the Superintendent Assembly, unless they already otherwise qualify as voting members:

1. representatives according to art. 25 of parishes located within the superintendent constituency;
2. institutions' and university chaplains;
3. school inspectors for the subject of religious education;
4. a representative of each legal entity of the Austrian Deaconry that runs facilities within that superintendent constituency;
5. one representative each from the Protestant Youth, Women's Organisation and Church Music, as well as a delegate from the World Mission;
6. the overseer for military chaplaincy; if this position exceeds the boundaries of a single superintendent

### III.1

constituency, he or she should attend the Superintendent Assembly of just one of the constituencies covered;

7. Synod members from the superintendent constituency who are not otherwise members of the Superintendent Assembly.

(4) The Superintendent Assembly can increase in its superintendent regulations the number of voting clerical and secular members above and beyond the number envisaged in para. 1. The total number of clerical office holders cannot exceed that of the secular.

(5) Members according to para. 3 enjoy the right of petition in all matters that affect them directly.

(6) If issues are to be addressed in the Superintendent Assembly concerning religious education, youth and pedagogical work, extra-curricular youth work, adult education, women, the diaconry, church music or world mission, representatives of the responsible offices or facilities from these areas must be invited for consultation.

(7) Every member of the Superintendent Assembly must regularly inform the parish or facility which he or she represents of his or her activities therein and particularly the activities of the Superintendent Assembly as a whole.

### III.1

**Article 54.** Employees of the superintendent constituency, the Protestant Church A.C. or the Protestant Church A. and H.C., or anyone else who is in any way financially dependent upon them, are not eligible for election as secular members in relation to art. 53 para. 1 lines 4 and 5 and para. 4.

### 2.2 Responsibilities

**Article 55.** (1) The Superintendent Assembly elects:

1. the Superintendent for a period of office of twelve years;
2. the Superintendent Curate for the duration of the period of office of the current Superintendent Assembly, as well as
3. from amongst its midst and for the current period of office:
  - a) two Deputy Superintendents or, subject to approval by the Church Presbytery A.C., three Deputy Superintendents. These persons bear the official title “Senior” (men) or “Seniorin” (women);
  - b) two, or three if applicable, Deputy Superintendent Curates, to correspond with the number of Seniors;
  - c) further secular or clerical members of the Superintendent Assembly (art. 60 para. 1);
  - d) the delegates to the Synod and their reserves in accordance with art. 76 para. 1 line 5;
  - e) two auditors, one of whom must not be a member of the Superintendent Assembly.

### III.1

(2) It is the responsibility of the Superintendent Assembly to:

1. consider developments and the state of life within the constituency and in its individual parishes and part-parishes on the basis of the Superintendent's report on this subject;
2. issue the resolution regarding the superintendent constituency regulations or the rules of procedure according to art. 58 para. 1 line 2;
3. deal with petitions submitted by the presbyteries and
4. the Superintendent Committee;
5. respond to submittals by the Senior Church Councils A.C., H.C. and A. and H.C.;
6. pass resolutions on petitions submitted from within the Superintendent Assembly itself;
7. pass resolutions concerning the creation and maintenance of ministers' posts;
8. set the level of parish contributions and of offertories;
9. approve the draft budget for the constituency;
10. approve the constituency's annual accounts including those of its facilities, foundations or special-purpose assets before duly discharging the Superintendent Committee;
11. pass resolutions concerning the acquisition, divestment or encumbrance of real estate, as well as the completion of contracts for any leases exceeding three years;

### III.1

12. assume the obligation for any debts that will not be paid off in full within the current accounting year;
13. consider matters concerning the Church Constitution or any complaints concerning an infringement of the rights guaranteed to members of the Protestant Church A.C.;
14. acknowledge reports from the Synod A.C. and the General Synod;
15. investigate any complaints against the Superintendent or other members of the Superintendent Committee and present the results of its findings to the relevant Senior Church Council.

(3) Any resolutions pertaining to para. 2 lines 7, 11 and 12 require approval by the Senior Church Council A.C.

(4) If an external, professional audit is commissioned, this completes the function of that auditor who must not belong to the Superintendent Assembly.

### 2.3 Special Procedural Provisions

**Article 56.** (1) Unless the superintendent constituency regulations stipulate otherwise, the Chair of the Superintendent Assembly is held by the Superintendent, or in her or his absence by the Superintendent Curate, and in case of the latter's simultaneous absence by the longest serving Senior; if he or she is also unable to attend, the Chair passes to the first Deputy Superintendent Curate.

### III.1.1

(2) The Superintendent Assembly must be convened at least once a year, or at the behest of the Superintendent Committee if its convention seems necessary, particularly for the election of the Superintendent or preparations for the Synod or General Synod or other significant reasons; alternatively if a majority of parish presbyteries so demands.

(3) The Superintendent Assembly is convened by the Superintendent; the Senior Church Council A.C. is to be informed accordingly. The Superintendent should endeavour to provide at least 30 days' advance notice to the members of the Superintendent Assembly of the agenda set by the Superintendent Committee for the upcoming meeting.

**Article 57.** (1) The Superintendent Assembly is opened with a prayer.

(2) Prior to the commencement of proceedings the Superintendent Assembly elects from amongst its midst one or more secretaries.

(3) Prior to the commencement of proceedings the Chair must check the credentials of the members in attendance, if necessary consulting the electoral reports in respect of elected members. The Superintendent Assembly has the final say in case of any doubt.

### III.1.1

(4) Incoming members of the Superintendent Assembly must swear the following oath before the Chair:

“I swear before God that in my role as a member of the Superintendent Assembly I will protect the inner and external welfare of the superintendent constituency to the best of my ability and conscience and endeavour to encourage the growth of all areas of the Church for the sake of its Head, Jesus Christ.”

**Article 58.** (1) The following special provisions apply to proceedings of the Superintendent Assembly; they must be inscribed in the rules of procedure:

1. Petitions arising from within the Superintendent Assembly must be supported by at least one-fifth of those voting members present;
2. Any resolutions to amend the rules of procedure must be passed by a two-thirds majority of those members present;
3. Petitions submitted by presbyteries and proposals from the Senior Church Council A.C. must be attended to without exception;
4. Working parties can be formed for preliminary deliberations and compiling reports concerning specific issues on the agenda;
5. The Superintendent must submit the minutes of the Superintendent Assembly to the Senior Church Council A.C.;

### III.1.1

6. The Superintendent must provide the presbyteries in the constituency with a clear summary of the resolutions and can also inform other superintendent constituencies accordingly.

(2) Apart from the points outlined above, the provisions of Church Procedural Regulations apply.

**Article 59.** (1) The following special provisions apply to elections:

1. The membership of the Superintendent Committee should generally consist of representatives from different parishes.
2. If a seat becomes vacant mid-term within the Superintendent Committee, the Superintendent Assembly must elect a replacement for the remaining term of office at its next meeting.
3. Superintendent Curates must officially declare within a maximum period of three months following their election if they wish to resign from office in their respective parish presbyteries.

(2) Apart from the points outlined above, the regulations of Church Electoral Procedure apply.

### 3. The Superintendent Committee

### III.1.1

**Article 60.** (1) The Superintendent, his or her Deputy, the Superintendent Curate, his or her Deputy and the further secular or clerical members elected according to art. 53 para. 1 line 4 form the Superintendent Committee. The superintendent constituency regulations stipulate the mandatory period of office and size of the committee. Ideally, individual members of the Superintendent Committee should demonstrate particular economic, construction and/or legal expertise.

(2) The Superintendent is the Chair of the Superintendent Committee, and in his or her absence the Superintendent Curate.

(3) The Superintendent Committee generally convenes at the constituency headquarters; it can pass written resolutions, unless a member opposes.

(4) The Chair must convene a meeting of the Superintendent Committee at the behest of at least two members.

**Article 61.** (1) The Superintendent Committee

- a) must execute or arrange the execution of the Superintendent Assembly's resolutions; in certain particularly appropriate individual cases it can call upon the appropriate Senior Church Council to act on its behalf in executing such a resolution;

### III.1.1

- b) is the first port of call concerning all questions from the presbytery or parish and part-parish councils within its superintendent constituency;
- c) is responsible for the supervision of the parishes and part-parishes.

(2) The key areas of activity of the Superintendent Committee are

a) vis-à-vis the individual parishes and part-parishes within the superintendent constituency:

1. to provide a suitable source of information and supervision within the Superintendent Assembly; to undertake corrective measures vis-à-vis presbyteries and parish councils (art. 40 and 47);
2. to negotiate and resolve any disagreements between ministers, teachers, presbyteries and parish councils or between individual parishioners;
3. to deal with matters concerning the ecclesiastical order of life and church discipline;
4. to negotiate the creation, alteration or dissolution of parishes or part parishes (art. 26 and 30);
5. to make any decisions concerning parish reallocations (art. 27);
6. to make any decisions concerning calls for diocesan collections;
7. to supervise the administration of assets belonging to the parishes, part-parishes or parish associations, their

### III.1.1

- institutions, foundations and special-purpose assets, as well as their accountancy and treasury;
- 8. to approve, evaluate or prioritise planned construction works in accordance with Church building regulations;
- 9. to approve the financial contracts with parish employees;
- 10. to supervise the collection of church contributions and appoint from within its a midst an officer responsible for all matters concerning church contributions.

b) vis-à-vis the superintendent constituency:

1. to prepare documentation and other submissions to the Superintendent Assembly and execute its resolutions (para. 1 lit. a);
2. to manage the constituency's monetary funds;
3. to administer the constituency's core assets and those of its institutions and foundations as well as any special-purpose assets;
4. any authorisations concerning the regulation of the Protestant Youth organisation;
5. to approve clerical appointments to special roles within the superintendent constituency, particularly military chaplains and school inspectors;
6. to designate two fields of activity (irrespective of their legal status or category) that the superintendent regulations qualify for the delegation of secular representatives to the Superintendent Assembly (art. 53 para.6).

### III.1

c) vis-à-vis ministerial posts:

1. to submit any applications for the amendment or conversion of ministerial posts or responsibilities of office;
2. to decide upon allocations and appointments.

d) vis-à-vis the management of the superintendent constituency:

to oversee the management: the superintendent committee can appoint specific members for this means or special experts for certain tasks.

**Article 62.** (1) Subject to the approval of the Superintendent Assembly, the Superintendent Committee can transfer its administrative responsibilities, entirely or for specific areas, to one or more executive director(s), whose tasks and responsibilities must be set out in rules of procedure. Executive directors can work full- or part-time and must be appropriately qualified for the position. They participate in a non-voting capacity in consultations with the Superintendent Committee and Superintendent Assembly.

(2) Any decision to appoint executive directors according to para. 1 and subsequent contractual agreements are subject to the approval of the Senior Church Council A.C. in order to be legally binding.

### III.1

(3) The Superintendent Committee or, if applicable, the executive director must allow the Superintendent Assembly and the Senior Church Council A.C. to inspect any certification and official correspondence and/or must report to them at the latter's behest.

#### 4. The Superintendent

**Article 63.** (1) The Superintendent is elected by the Superintendent Assembly, upon securing a two-thirds majority vote in favour, for a term of office of twelve years, unless an extension to this initial period of office is agreed in accordance with para. 2. Re-election to office is admissible.

(2) Upon his or her election, the Superintendent Curate must, taking into consideration the date upon which the incoming Superintendent officially assumes office, calculate the age at which his or her twelve-year term of office will come to an end. If the twelve-year period of office is due to end after the incoming Superintendent's 61st birthday but prior to the age of legal retirement as stipulated in the regulations governing clerical office, then the period of office must by law be extended to continue until his or her due retirement. This must be announced in the Official Journal.

### III.1.1

(3) Upon assumption of office the incoming Superintendent must lay down any other standing offices within or outside the Protestant Church in Austria.

(4) The Superintendent, in consultation with the Superintendent Committee, can reach an agreement concerning the extent to which he or she will perform preaching or pastoral duties within the parish that is home to the superintendent constituency's office. In this case the visitation of this parish will be performed by the Bishop.

(5) The visitation of a parish will also be performed by the Bishop in any case where the Superintendent could not be certain of impartiality when performing the visitation him- or herself.

**Article 64.** (1) The office of Superintendent ends upon either expiry of the term of office, termination of employment or the arising of any inconsistency outlined in art. 19.

(2) If a Superintendent voluntarily leaves office prior to completion of the full term for reasons which the Senior Church Council A.C. and the Superintendent Assembly deem valid, he or she should be placed on standby if there is no appropriate minister's position immediately available and he or she does not yet qualify for retirement.

### III.1.1

(3) The Superintendent can be removed from office by the Senior Church Council A.C. in response to an application submitted by or agreed by the Superintendent Assembly and the Church Presbytery A.C. if this would serve the best interest of the superintendent constituency concerned or the Protestant Church A.C. The provisions outlined in para. 2 are applicable mutatis mutandis.

**Article 65.** (1) The Superintendent is responsible for the spiritual leadership of the superintendent constituency. He or she is responsible for the supervision of ecclesiastical order within the constituency and its representation and administration in all areas that are not specifically assigned to the Superintendent Committee.

(2) In addition to the rights and duties outlined elsewhere in other provisions, the Superintendent's sphere of independent activity incorporates the following key concerns:

1. overseeing the preaching of God's Word in accordance with Scripture, the administration of sacraments and adherence to the Liturgical order of the Church, the use of authorised textbooks and hymnbooks as well as the protection of the confessional principles of the Church;
2. overseeing spiritual life in the parishes and part-parishes, the performance in office of any clerical personnel and parish and part-parish employees and

### III.1.1

- fostering church life within the parishes and part-parishes;
3. issuing pastoral letters;
  4. pastoral care of ministers and attention to their academic and vocational training and continuing education;
  5. providing support for those students within the superintendent constituency who are studying theology with the intention of entering into service of the Protestant Church A.C. in Austria;
  6. the preparation and leadership of ministers' conferences and retreats;
  7. overseeing and, if necessary, resolving any issues concerning the expedient and fair division of tasks where parishes have more than one cleric;
  8. the amicable resolution of any disagreements between clerical personnel or other members of the parish;
  9. the issuing of approval to preach and deliver the sacrament (licentia concionandi) to any qualified theologians who are not included in the Register of Official Ministers; also the supervision of lectors and their commission;
  10. the ordination and investiture of clergy;
  11. the consecration of churches, confessional schools and other church premises;
  12. granting vacation to clergy and ensuring the smooth running of the ministerial office during any vacation or illness of a minister or the selection process for a new minister;

### III.1.1

13. waiving the age limit for those seeking confirmation who have not yet reached the age of 13 and dispensation for marriages outside normal hours wherever this is traditional practice;
14. the confirmation in post of teachers at Protestant schools providing compulsory education and of the leaders of educational and care institutions within the parish;
15. the ultimate supervision of all Protestant schools and religious education at all schools within the superintendent constituency, with the immediate supervision of middle and high schools being performed by school inspectors on the Superintendent's behalf;
16. the supervision of the allocation of religious studies teaching hours within the parishes and daughter parishes as well as the distribution of religious education teaching hours between multiple clerics in multiple parishes;
17. the supervision of the registry;
18. the protection of the rights of the Protestant Church and those afforded to its members, as well as preserving peace amongst the parishes of the superintendent constituency.

(3) The Superintendent has the right, with the agreement of his or her deputies, to assign individual responsibilities to another minister within the superintendent

### III.1.1

constituency, although he or she remains ultimately responsible for the proper performance of these duties.

(4) The Superintendent has the right, having given advance notice to the chief minister, to conduct worship or deliver the sacrament in any parish belonging to the superintendent constituency.

#### 5. The Seniors

**Article 66.** (1) The Seniors support the Superintendent in the execution of his or her duties. Their sphere of activity is determined by the needs of the individual superintendent constituency and must be duly defined within the superintendent constituency's regulations.

(2) Unless otherwise stipulated, the longest serving Senior/in is responsible for representing the Superintendent, assuming all of his or her rights and duties, whenever the latter is indisposed.

#### 6. Visitation

**Article 67.** (1) A visitation of the parishes and part-parishes of a superintendent constituency should take place at least once every twelve years and, if at all possible, occur in the presence of the Superintendent Curate and, if necessary, other members of the superintendent committee as well. The Superintendent

### III.1.1

should familiarise him- or herself comprehensively with the state of parish life there, particularly in respect of the religious education provided at its schools, the care afforded to church music and the state of any diaconal institutions located within the constituency; also the performance in office of the clerical officers and other employees, local compliance with the Church Constitution and other canon laws or church office instructions, the running of the chancellery and asset management of the parish or part-parish as well as the state of church buildings.

(2) The Superintendent must either attend in person to any wishes or complaints of which he or she is made aware or ensure that they are communicated to the responsible authority.

(3) The Superintendent must submit a comprehensive report of the visitation of any parish or part-parish to the Bishop.

(4) The superintendent constituency bears any costs incurred by a visitation. However if a parish or part-parish instigates a visitation then it must bear the costs itself.

(5) The Visitation of a superintendent constituency is performed by the Bishop in the company of the members of the Senior Church Council A.C.

**7. The Superintendency**

**Article 68.** (1) The Superintendency is responsible for running the business of the superintendent constituency. It is led by the Superintendent.

(2) The seat of the Superintendency is determined by the Church Presbytery A.C. in response to the application made by the Superintendent Assembly. If a superintendent constituency incorporates more than one federal state and then two state capital cities happen to be situated within its territory, a Superintendency can be established in each of these federal states to attend to the respective local business.

**X. Institutions, Communities, Associations, Corporations, Co-operatives, Foundations and Facilities**

**Article 69.** (1) Associations, facilities, foundations and private or public companies can adopt or be assigned church, diaconal or charitable works on behalf of the Protestant Church in Austria. One of the titles “Protestant”, “Protestant A.C.”, “Protestant H.C.”, “Protestant-Lutheran”, “Protestant-Reformed”, “Lutheran”, “Reformed” or “Protestant” can be adopted upon submission of the appropriate application. The use

of these titles is not allowed and legally pursuable without such authorisation.

(2) The awarding of one of the titles cited in para. 1 signifies both to the institution concerned and to the state authorities that the Protestant Church in Austria considers the institution as providing a valuable contribution to church life that significantly supports its own efforts.

(3) Authorisation for use of the title can be revoked at any time, should the criteria for the award cease to be fulfilled.

**Article 70.** (1) Institutions, Protestant Church communities, facilities and foundations that are established in accordance with the laws of the Protestant Church in Austria are corporate bodies under public law; as institutions of the Protestant Church in Austria they are legally recognised enterprises. They represent organisational satellites of the Protestant Church in Austria, assisting the Church in fulfilling its ecclesiastical, particularly cross-parish, diaconal, missionary and charitable responsibilities, but also organisational and economic efforts.

(2) The establishment of such a body by the Protestant Church in Austria demonstrates that the institution will be working directly and on a long-term basis for the Church or one of its branches. The relevant Senior

### III.1.1

Church Council must compose a statute for such institutions, based on the proposals submitted by its proponents, regulating its sphere of activity, form of management and administration and the reciprocal working relationship between the National Church, its various divisions and the respective institution. This statute must be presented for approval to the General Synod or the Synod A.C. or H.C., depending on the particular affiliation of the specific institution.

(3) Institutions outlined in para. 1 are subject to the subsidiary application of state legislation governing enterprises vis-à-vis the organisational structure of their legal entity, their leadership and business management, their dissolution and any closure procedures. In particular, any institution whose annual combined income and expenditure exceeds 350 thousand Euros or total consolidated assets exceed 1.5 million Euros, or whose personnel exceeds the equivalent of 20 full-time employees must appoint professionally qualified management equipped with all the necessary liabilities, and, if the management demonstrates other personal liabilities, professional external accountants must be appointed for preparing and auditing its financial statements.

(4) Any institutions outlined in para. 1 who perform an economic function can only be established if their long-term economic viability can be certified. They must be

### III.1.1

dissolved if this long-term viability ceases or can no longer be reasonably expected. The resolution to dissolve such an institution and the ensuing closure strips the institution of its status as a legal entity; the relevant church office must inform the state authorities accordingly via the official channel of the Senior Church Council A. and H.C.

(5) The supervisory body for an institution outlined in para. 1 is either the respective Senior Church Council or the division of the Protestant Church in Austria that is responsible for that specific institution, as appropriate. Supervision involves checking the legality, economic viability and frugality of the entire business carried out by that institution, Protestant Church community, facility or Church foundation. The means of supervision are based on annual and individual reports, in particular the inspection of all data and documentation, which must be presented for immediate inspection as requested at any given moment, furthermore the official sealing of documents, the appointment of qualified persons or organisations to administer the auditing of business activity and the preservation of the right of the relevant Senior Church Council to subject specific or all business conducted by that Church institution to its prior approval. This does not prejudice the activity of the supervisory committees A.C. and H.C., the Synods and the General Synod.

### III.1.1

(6) Members of the Senior Church Councils A.C., H.C. or A. and H.C. cannot assume any office in the management or supervisory boards of institutions, Protestant Church communities, societies, facilities or foundations, although they can participate in a non-voting capacity.

(7) Institutions outlined in para. 1 run and administer their business independently within the parameters of their statutes, the Church Constitution, canon laws and other ecclesiastical regulations. No liability of any kind will be accepted by the Protestant Church A.C., H.C. or A. and H.C.

(8) Art. 69 applies mutatis mutandis in respect of recognition as an institution of the Protestant Church in Austria or of one of its divisions, as a Protestant Church community, facility or foundation. The relevant application must be submitted to the General Synod via the relevant Superintendency, Senior Church Council A.C., H.C. or A. and H.C. accompanied by the statute regulating its establishment and management or a set of regulations according to art. 70 para. 1. Accreditation via the award of a title according to art. 69 para. 1 can occur according to the same criteria as those legislated by the Protestant Church in Austria for institutions established according to art. 70 para 1. Accreditation can be revoked at any point in time, should the ecclesiastical purpose no longer be fulfilled or if an activity damages the best

### III.1.1

interests or standing of the Protestant Church in Austria. Accreditation and disaccreditation must be formally passed by resolution and announced in the Official Journal.

**Article 71.** (1) Institutions outlined in art. 69 and art. 70 that are awarded financial support by the Protestant Church in Austria are then subject in respect of this support or funding to supervision by the organs of whichever division of the Protestant Church supplies these funds. This does not prejudice the activity of the supervisory committees of the Synod A.C. and Synod H.C. and of the General Synod. No broader supervisory obligation than that already outlined, liability or any other obligation regarding the safety of property exists or arises for the Protestant Church or any of its divisions on the basis of or in connection with any such financial support or funding.

(2) Those institutions outlined in art. 69 and art. 70 are obliged to submit annual reports on their activities and finances to the respective responsible Senior Church Council. Any institutions whose activities are confined to the territory of a single superintendent constituency are obliged to report to the relevant Superintendent Committee. Any changes undertaken to their bodies must be reported immediately to the responsible Superintendent and Senior Church Council. They are obliged to punctually inform the responsible Senior

### III1.1

Church Council of any significant legal proceedings, particularly prior to any legal action before the highest courts or the Courts of the European Union.

**Article 72.** (1) The Senior Church Council A. and H.C. can, taking into consideration the criteria outlined in art. 69-72, agree exceptions in respect of member institutions of the “Deaconry of Austria”. The Senior Church Council A. and H.C. must obtain the approval of the Legal and Constitutional Committee and that of the Financial Committee before reaching any such agreement.

(2) More detailed regulations still need ratifying as canon law vis-à-vis the institutions outlined in art. 69 and art. 70, particularly in respect of the procedures governing their establishment, supervision, dissolution and closure.

### III1.1

## **XI. The Protestant Lutheran Church (Protestant Church of Augsburg Confession) and the Protestant Reformed Church (Protestant Church of Helvetic Confession)**

### **1. The Synods**

#### **1.1 General Provisions**

**Article 73.** (1) The “Protestant Church of Augsburg Confession” or “Protestant Lutheran Church”, abbreviated as “Protestant Church A.C. ”, incorporates all superintendent constituencies and their parishes, as well as all of its institutions, Protestant Church communities, facilities and foundations.

(2) The “Protestant Church of Helvetic Confession” or “Protestant Reformed Church”, abbreviated as “Protestant Church H.C.”, incorporates all H.C. parishes and those A. and H.C. parishes located in the federal state of Vorarlberg as well as its institutions, Protestant Church communities, facilities and foundations.

(3) The institutional organs of these Protestant Churches are the Synods, the Legal and Constitutional Committee, the Theological Committee and the Financial Committee

### III.1

and, whenever they pass binding resolutions, the Church Presbyteries and Senior Church Councils.

(4) The term of office for Synods commences with their constituent meeting and ends with the constituent meeting of the subsequently elected Synod.

(5) Synod members are elected for a period of six years and are eligible for re-election upon expiry of their term of office.

(6) For each elected member a reserve must also be elected to represent him or her in case of his or her temporary indisposition, but without the accordance of passive voting rights in the Synod.

(7) If a member leaves the Synod permanently, a new member must be elected or appointed for the remaining duration of office. Until such new election or appointment, the appropriate reserve will assume the role of the departed member in the Synod, but without passive voting rights.

(8) Every Synod member must report back on his or her activities therein to his or her electing or delegating body on a regular basis.

(9) Membership of the Synod can expire prior to completion of the statutory period of office

### III.1

1. if an elected or appointed member ceases to fulfil the criteria for eligibility;
2. if a delegate from the teaching body of Professors of Theology A.C. or H.C. at the Protestant-Theological Faculty at the University of Vienna no longer holds the relevant status;
3. if a representative of religious teachers no longer actively occupies such a position.

**Article 74.** (1) The Synods are responsible for their respective church's legislation as well as the deliberation and resolution of all matters of importance concerning the entire Church. Their specific areas of competence include:

1. the definition of rules of procedure for the Synod, its committees, commissions and project teams;
2. the election of its President (A.C.) or Chairperson (H.C.) and their Deputies; Senior Church Councillors are not eligible for the office of President or Chair;
3. the election of members and their reserves to committees, commissions and project teams;
4. decisions concerning doctrinal issues and rules of worship;
5. the deliberation and resolution of regulations affecting only the respective individual Church, including such legislation pertaining to the Church Constitution, particularly in respect of the authorisation of interim injunctions; the deliberation of reports addressing spiritual development and the

### III.1.1

- state of the churches; the formulation of responses to submissions from the Senior Church Council;
6. the deliberation and resolution of petitions affecting itself for submission to the General Synod, particularly in respect of the Church Constitution and other ecclesiastical legislation at national level;
  7. the authorisation of agendas, hymn books, bible and catechism editions; in respect of any measures or decisions concerning church music the relevant specialist personnel, especially the regional cantor, must be consulted;
  8. resolutions pertaining to matters outlined in articles 69-72 except matters of public associations, foundations, or enterprises under private law with respect to a permission to use the designations as “Protestant”, “evangelic”, “Protestant A.C. or H.C.”, “Lutheran” or “reformed”, and with respect to the removal of such designations;
  9. the issuing of guidelines concerning the allocation of subsidies and the financial management of the Church in general;
  10. the resolution of budgets and passing of accounts, the appointment of the auditors; if a budget is not formally passed for the coming financial year, 1/12<sup>th</sup> of the previous year’s annual budget will be allocated for each successive calendar month;
  11. decisions concerning any complaints against the church presbyteries, the Senior Church Councils or their members in their capacity as supervisory bodies.

### III.1.1

(2) The responsibilities outlined in para. 1 line 10 are assumed by the Supervisory Committee H.C. on behalf of the Synod H.C.

(3) Whenever the Synods meet in joint session for deliberation of matters of mutual concern voting takes place separately within the individual Synods. Any resolutions that are passed unanimously by the Synods A.C. and H.C. are equivalent to a resolution passed by the General Synod. The rules of procedure of the General Synod determine the Chair of any joint meetings.

(4) The Synods are not empowered to change the confession of their Church.

**Article 75.** (1) The Synods convene and proceed according to the provisions of the Church Constitution and the rules of procedure which they themselves must determine. The regulations determined within the general Rules of Procedure apply, unless more detailed specifications are stipulated within the individual rules of procedure.

(2) Any generally binding resolutions issued by the Synods must be announced without delay by the Senior Church Council A. and H.C. in the Official Journal of the Protestant Church in Austria, and they then take legally

### III.1

binding effect one week after this proclamation, unless otherwise stipulated within the resolution itself.

(3) However this principle does not apply to any regulations that fall under the provisions of art. 111 para. 6. Such regulations only come into force following the completion of the procedure outlined in art. 111 para.s 3 and 4.

(4) Minutes of proceedings and any other written material produced by the Synods, the General Synod and the Church Presbyteries must be passed to the relevant Senior Church Council for safekeeping.

#### 1.2 The Synod A.C.

**Article 76.** (1) The following are members of the Synod A.C.:

1. the Bishop;
2. the President of the Synod, who surrenders any position in a presbytery, Superintendent Committee or Senior Church Council, if applicable, upon assuming office;
3. the members of the Senior Church Council A.C.;
4. the Superintendents and Superintendent Curates;
5. those representatives elected by the Superintendent Assemblies;
6. up to three further members elected by the Synod with a simple majority vote;

### III.1

7. one teaching professor of Lutheran Theology delegated by the Protestant-Theological Faculty of the University of Vienna;
8. one serving, non-ordained representative of the religious teachers at general or vocational middle and secondary schools and one serving, non-ordained religious teacher representing those at compulsory schools;
9. one representative of the “Deaconry of Austria”;
10. one representative of church music delegated by the Advisory Board of Church Music.

(2) The total number of clerical officers must not exceed that of the secular members. Should the number of clerical officers happen to exceed that of the secular members, the President of the Synod A.C. shall determine a suitable means of adjusting the balance to comply with this regulation.

(3) Each Superintendent Assembly normally elects two clerical and two secular representatives. Those superintendent constituencies with more than 40,000 members appoint one additional clerical and one additional secular representative per 20,000 members beyond this number. The statistical basis for this calculation is provided by the Census of Parishioners announced by the Senior Church Council in the Official Journal of the Protestant Church A. and H.C. in Austria

### III.1

the year prior to the constituent meeting of the Synod in question.

(4) Elected, appointed or allocated ministers serving within the respective superintendent constituency are eligible for election as clerical representatives, and any members of the Protestant Church A.C. that are either currently members of the presbytery or have been members of the presbytery for at least one full term of office in the past are eligible for election as secular members.

(5) More precise regulations are stipulated in the Electoral Procedure, the various rules of procedure or statutes of the respective facilities and Protestant Church communities, institutions and foundations.

**Article 77.** (1) In addition to the responsibilities outlined in art. 74, the Lutheran Synod also attends to the following duties:

1. the election of the Bishop and the election of the President from amongst those eligible members of the Protestant Church A.C. who are serving members of a presbytery or former members for at least one full term of office; also the election of the Deputy Presidents from amongst the members of the Synod A.C.; also the election of the members of the Senior Church Council (art. 86 para. 2). Any revocation of the appointment of these members of the Synod A.C.

### III.1

occurs in accordance with the provisions determining their election.

2. debate of the Bishop's Report;
3. the discharge of the Financial Committee and the Senior Church Council A.C.

(2) A two-thirds majority vote is required for:

1. the election of the Bishop and the President;
2. revocation of the Bishop's office or that of the President or Senior Church Councillors;
3. resolutions concerning the Church Constitution or Electoral Procedure, or any resolutions pertaining to art. 74 para. 1 lines 1, 4 and 7;
4. the acceptance or rejection of the longer term (i.e. covering a period of no less than five years) establishment plan of the Protestant Church A.C. or H.C., which must be presented to it by the respective Church Presbytery on the basis of the relevant Senior Church Council's draft and following due deliberation by the Financial Committee.

(3) The Synod A.C. is chaired by its President. He or she and his or her deputies compose the Presidium of the Synod A.C.

(4) The Presidium convenes the Synod A.C. which meets in ordinary session at least once a year. The agenda, time and venue of the sessions is determined by the Presidium of the Synod in consideration of the Church Presbytery's

### III.1.1

advice. The Synod is inaugurated by the Bishop, who blesses and swears in its members, as well as investing the President in office.

(5) The details concerning the nature of any synodal committees as well as the form which their sessions will adopt shall be stipulated in the rules of procedure.

#### 1.3 The Synod H.C.

**Article 78.** (1) The following are members of the Reformed Synod (Synod H.C.):

1. all ministers of the individual parishes and those presbyters who have been elected by each presbytery in relation to the number of its respective local ministers;
2. one teaching professor of Reformed Theology delegated by the Protestant-Theological Faculty of the University of Vienna;
3. two representatives from the named cadre of religious teachers employed within the realm of the Protestant Church H.C., i.e. one representing teachers at general or vocational middle and high schools as well as one representing those teaching at compulsory schools;
4. one member named by the deacons of the Reformed Church.

(2) Membership of the Synod H.C. can expire prior to the completion of the statutory term of office if a minister

### III.1.1

leaves his or her post, or if a presbyter ceases to be a member of his or her electing presbytery.

**Article 79.** (1) The particular responsibilities of the Synod H.C. include:

1. the election of the National Superintendent;
2. the election of seven members of the Synod H.C. to serve on the General Synod;
3. the election of one representative to serve on the Youth Council H.C.;
4. deliberation of the state and needs of the parishes and part-parishes of the Protestant Church H.C. on the basis of any National Superintendent's report, particularly in respect of services of worship, world mission and ecumenism, church discipline, education, youth work, diaconry and social responsibility, training activities, public relations and cultural activities as well as attending to the consolidation and development of church life in the parishes;
5. resolutions in response to petitions submitted by the presbyteries or any proposals arising from within the Synod H.C. and supported by at least three of the members present;
6. ruling on appeals against decisions of the Senior Church Council H.C. in cases that fall outside the jurisdiction of the Senate of Appeal;
7. deliberation of matters pertaining to the Church Constitution and of any complaints concerning the

### III.1.1

possible infringement of the rights afforded to the Protestant Church H.C. or its members;

8. those duties outlined in art. 74 and art. 97 para. 10.

(2) A two-thirds majority is necessary for the election of a National Superintendent and for any resolutions concerning the provisions of the Church Constitution or Electoral Procedure.

#### 2. The Church Presbytery A.C.

**Article 80.** (1) The following are ex officio members of the Church Presbytery A.C.:

1. the Bishop;
2. the President of the Synod A.C.;
3. members of the Senior Church Council A.C.;
4. the Superintendents;
5. the Superintendent Curates.

(2) In case of indisposition, members of the Church Presbytery shall be represented by their respective reserves, whereas the President of the Synod A.C. can only be represented by the secular Vice-President.

(3) The Bishop and the President are jointly responsible for the Chair of the Church Presbytery, which they assume in alternate sessions.

### III.1.1

**Article 81.** (1) The Church Presbytery is ultimately responsible for the sustained development of the Protestant Church A.C. It must endeavour to ensure that the Protestant Church A.C. through all of its constituent parts can fulfil the mission bestowed upon it addressing the various paths of life (art. 1 para. 1). It is responsible in particular for longer term planning, considering and determining the fundamental course of the Protestant Church A.C.'s development and presenting these proposals to the Synod A.C. for formal resolution; specifically

1. the longer term (minimum five years) deployment plans for clerical officers and those employed in the Church Office A.C.;
2. the formulation of the Church's standpoint on fundamental religious, ecclesiastical and social issues, particularly during the interim period between sessions of the Synod A.C.;
3. determining the minimum contribution of the monetary offering;
4. defining the general principles for the training and examination of clerical officers;
5. proposing specific religious holidays;
6. regulating the fundamental, theologically based principles governing accession to and exit from Church membership.

### III.1

(2) In support of its efforts towards the proper fulfilment of its responsibilities, the Church Presbytery is free to call upon the Church Office A.C., primarily, as well as external specialists.

(3) In cases where the implementation of the Church Presbytery's resolutions requires the passing of canon laws, the Church Presbytery must involve the Synod A.C. in the prescribed manner and submit petitions for its resolution; it enjoys the right of petition to the Synod. The Church Office is obliged to implement its resolutions promptly, for which the Senior Church Council A.C. is ultimately responsible. The Church Presbytery can assign specific tasks to the Church Office A.C. or the Senior Church Council.

(4) The Church Presbytery normally convenes at least twice a year, if necessary in more than one day sessions; the agenda, time and venue for sessions are determined by mutual agreement between the Chair and the other members. Written resolutions are admissible.

(5) Joint sessions of the Church Presbyteries A.C. and H.C. are chaired by the President A.C. or the Chair of the Synod H.C. on his or her behalf.

(6) Extraordinary sessions of the Church Presbytery can be convened at the behest of at least four of its members or the Senior Church Council.

### III.1

(7) The procedures governing the Church Presbyteries are stipulated more precisely in the rules of procedure of the Synod A.C., the Synod H.C. and the General Synod.

### 3. The Church Presbytery H.C.

**Article 82.** (1) The Church Presbytery H.C. comprises of the Chairperson of the Synod H.C. together with two clerical and two secular deputies elected by the Synod H.C. from amongst its midst. The elected members must be Austrian citizens; citizens of the European Union and of Switzerland are equally eligible.

(2) The holder of any clerical office within the Church H.C. is eligible for election as a clerical member of the Church Presbytery.

(3) The two secular members should demonstrate specific qualifications and experience, one in the field of economics, the other in law.

### 4. Committees, Commissions, Projects

**Article 83.** (1) Committees and commissions are established by the Synod or the Church Presbytery for the duration of one term of office of the Synod A.C. The members of such committees are elected from within the midst of the organ. However, up to two-thirds of the

### III.1.1

members of any commissions, who are also elected by the Synod A.C. or the Church Presbytery A.C., can be chosen from outside the ranks of the appointing body. However, these particular members must be current or former members of a parish presbytery (in the latter case for a least one full term of office). Non-members of the Synod can be appointed at a later date to any commissions established by the Synod per decree of the Synod of the Church Presbytery A.C. Committees. The committees and commissions are responsible for preparing documentation for discussion at the Synod or Church Presbytery and for composing draft proposals. Project teams are established and appointed by the Synod A.C., the Senior Church Council A.C. or the Church Presbytery A.C. for temporary tasks and are set concrete aims, methodology and specific objectives. There is no requirement that members of a project team should also be members of the appointing body. The only exception to this principle is the team leader. Committees, commissions and project teams are financed by their establishing body.

(2) Committees, commissions and project teams must be led by a member of the respective establishing body. In all other regards the composition, the procedures and responsibilities of the committees, commissions and project teams are regulated by Electoral Procedure and, if need be, by rules of procedure.

### III.1.1

(3) Members of the Senior Church Councils have the right to attend any meetings of the committees, commissions and project teams as non-voting participants.

(4) The Synod A.C. must establish the following standing committees: Theological Committee, Legal and Constitutional Committee, Financial Committee, Auditing Committee and Nominating Committee. The Bishop is an ex officio member of the Theological Committee and the Nominating Committee, also of the Presidium of the Synod A.C., the Financial Committee and the Legal and Constitutional Committee.

(5) The Synod can establish further committees, commissions and project teams as necessary.

(6) The Legal and Constitutional Committee – in association with the Theological Committee in matters involving theological issues – has the power to issue interim injunctions, subject to a two-thirds majority, in the name of the Synod A.C. in response to an appropriate petition by the Senior Church Council A.C. (art. 88); such injunctions must be presented to the subsequent session of the Synod A.C. for confirmation or revocation. The Financial Committee has the power to inspect at any given moment the financial situation of the Protestant Church A.C., to authorise - subject to a two-thirds majority - any supplementary budgets petitioned for by

### III.1

the Senior Church Council, to intervene in case of imminent danger and recommend to the appropriate bodies the instigation of such measures as deemed necessary in the interest of the Protestant Church A.C., in particular the convening of extraordinary sessions of the Synod A.C., the Senior Church Council A.C. and the Auditing Committee.

(7) In response to an appropriate petition from the Senior Church Council A.C., the Church Presbytery A.C., the committees and commissions, the Presidium of the Synod A.C. can decide that in matters of particular importance petitions can be communicated to the presbyteries – and within the Protestant Church A.C. also to the superintendent committees - prior to their submission to the Synod A.C. or the General Synod.

#### 5. The Auditing Committees

**Article 84.** (1) The Synods A.C. and H.C. elect for the duration of their term of office, and generally from amongst their midst, Auditing Committees for the inspection of the Financial Statements of their respective churches.

(2) Superintendent Committee members are also eligible for election to the Auditing Committee of the Synod A.C., as are presbytery members for election to the Auditing Committees of the Synod H.C. The Chairperson of the

### III.1

Synod H.C. is an ex officio member of the Auditing Committee of the Synod H.C.

(3) Candidates for election to the Auditing Committee cannot have belonged to a Church Presbytery, a Financial Committee or a Senior Church Council during the period under inspection.

(4) The Auditing Committees are responsible for checking the entire management of their Church as well as its institutions, Protestant Church communities, foundations and facilities vis-à-vis propriety and frugality, economy and appropriateness. They must submit a written report of their findings to the respective Synod, and in the case of the Auditing Committee A.C. a report from a qualified chartered accountant must form part of its submission.

(5) In case of imminent danger the Auditing Committees are entitled to demand the convention of an extraordinary session of the Synod A.C. or Synod H.C.

(6) The Senior Church Council A.C. or the Senior Church Council H.C., as appropriate, and any persons involved in the administration of Church assets as well as those responsible for institutions and facilities must provide the Auditing Committee with all relevant documentation.

(7) The Auditing Committee H.C. is entitled to inspect the financial management of its Church at any given time. The

### III.1

budget and final accounts require the approval of the Auditing Committee in order to take legal effect (art. 74 para. 1 line 10).

## 6. The Senior Church Council A.C. and H.C.

### 6.1 General provisions

**Article 85.** (1) Members of the Senior Church Council must be Austrian citizens. Citizens of the member states of the European Union and the Swiss Federation enjoy equal status with Austrian citizens.

(2) Unless otherwise prescribed in the following provisions, the Senior Church Council proceeds in sessions; when convened ordinarily, a quorum exists if the majority of members are present.

(3) The Senior Church Council can appoint non-members to attend to individual areas or specific tasks under its continuing responsibility. The duties of such appointees must be set out in writing, unless the situation otherwise warrants his or her formal employment in any case.

(4) The Senior Church Council and each of its individual members are accountable to the respective Synod.

**Article 86.** (1) Members of the Senior Church Council A.C. may resign before their period ends for which they

### III.1

had been elected. The letter of resignation must be presented to the president of the Synod A.C. at least three months prior to the intended resignation date. If no such date is indicated, the resignation will be legally effective with the start of the following session of the Synod A.C. By this time the resigning member must hand over all business matters to the Senior Church Council A.C.

(2) If very important reasons justify an immediate resignation or termination of office, the letter of resignation, stating the reasons of resignation, must be presented to the president of the Synod A.C. and is legally effective with this presentation; the business matters must be handed over without delay. Damages caused by the advance resignation or by lack of very important reasons will be brought to litigation.

(3) Letters of resignation by secular members of the Senior Church Council, who are employed by the Council full time or part time, terminate all their contractual obligations and rights of employment. Resigning ordained members of the Senior Church Council must declare their future status according to the "*Ordnung des geistlichen Amtes*"; if he or she does not terminate his or her professional relationship to the Protestant Church A.C. by retirement, or if no position in the parish service is open for him or her, the member will be relegated to the "*Wartestand*" according to the "*Ordnung des geistlichen Amtes*".

### III.1.1

(4) A member of the Senior Church Council H.C. may resign before the period ends for which he or she was elected. The presidium of the Synod H.C. will act in place of the Synod H.C. if a session of the Synod cannot be convened before the end of the Synod's period.

#### **6.2 The Senior Church Council of the Protestant-Lutheran Church (Protestant Church A.C.)**

**Article 87.** (1) The Senior Church Council A.C. is seated in Vienna.

(2) The Senior Church Council A.C. consists of six members. The Bishop is an ex officio member of the Senior Church Council, the remaining members being elected by the Synod A.C. Two of the elected members must be clerics and the other three secular members. The Synod A.C. can decide to elect reserves for individual or all elected members of the Senior Church Council.

(3) A member of the Senior Church Council A.C. can, if it would serve the best interest of the Church A.C., be removed from office by means of an appropriate Synod A.C. resolution supported by a two-thirds majority of its members.

**Article 88.** (1) The Senior Church Council A.C. is accountable to the highest administration of the Protestant

### III.1.1

Church A.C.; it executes the directives issued by the Synod A.C. and the Church Presbytery, prepares their sessions, represents the Protestant Church A.C. externally and is responsible for ensuring the compliance with and due application of the Church Constitution and the other canon laws, ordinances and edicts as well as state legislation within the Church A.C.

(2) Its particular responsibilities are as follows:

1. the protection of the laws of the Church A.C. outside and the safeguarding of peace inside the Church;
2. the completion of agreements approved by the Church Presbytery with other churches and religious societies, church federations and associations of churches;
3. applications for interim injunctions via the appropriate church bodies;
4. issuing ordinances for the execution of canon laws and other resolutions passed by the Synod A.C. as well monitoring their due compliance;
5. providing a general administrative system for Church assets of any form as well as accounting guidelines for Church use;
6. the preparation of the budget in accordance with art. 74;
7. attending to the exact fulfilment of all payment obligations assumed by the Church A.C.;

### III.1

8. the presentation of examined and certified accounts in accordance with art. 84 para. to the Synod A.C.;
9. the correct administration of assets and running income for the Church A.C. in accordance with the guidelines issued by the Church Presbytery and agreed by the Financial Committee;
10. the administration of establishments' and special purpose assets which either belong to the Church A.C. or have been assigned to the Senior Church Council A.C. for specific church or school usage;
11. the ultimate supervision of the administration of assets belonging to the parishes/part-parishes and the superintendent constituencies;
12. the supervision of institutions, Protestant Church communities, facilities and foundations of the Church A.C. and the encouragement of co-operation between all such establishments;
13. the ultimate supervision of the collection of church contributions;
14. attending to the maintenance and expansion of foundations and special purpose assets of the Church A.C. as well as the mutual responsibility, alongside the parishes, for the creation, care and repair of churches, schools and other church premises;
15. the recommendation of any special collections sanctioned by the Financial Committee;
16. the approval of any decisions concerning the creation or dissolution of parishes and daughter parishes authorised by the Church Presbytery;

### III.1

17. decisions concerning the creation and abolishment of three-year, fixed-term ministerial posts and the two possible extensions of these fixed-terms for another three years in each case, always following consultation with the respective superintendent committee;
18. ensuring that clerical officers receive appropriate salaries, pensions or supplementary allowances to their pensions and that their widows, widowers and orphans are adequately provided for, in respect of which a solidarity fund must be established with the agreement of the Synod A.C.;
19. when empowered to do so by the Church Presbytery A.C., and subject to agreement by the Financial Committee, the completion of agreements and collective contracts with voluntary trade/professional associations or with employees' representatives regulating the payment and benefits of employment by the Church;
20. the care and support of students studying theology with the aim of entering service of the Protestant Church A.C. in Austria;
21. the administration of the preachers' seminary and issuing of rules of procedure as agreed by the Church Presbytery;
22. the appointment of a leader to oversee the work of lecturers in consideration of the lecturers' conference and in concordance with the Church Presbytery;

### III.1

23. the issuing of rules of procedure for the Senior Church Council A.C., the Church Office A.C. and any other formal bodies in concordance with the Legal and Constitutional Committee and the Financial Committee;
24. the final decision in any matters concerning the administration of the Church A.C. where the Senior Church Council A.C. is specifically accorded this responsibility in this Church Constitution;
25. the issuing of disciplinary measures (warnings, reprimands and appropriate fines) to church bodies and office holders in cases of culpable default of duty or failure to perform specific responsibilities, and the commissioning of the completion of outstanding duties by third parties at the cost of the culpable body or office holders;
26. the allocation of annual leave to superintendents; in addition to this the allocation of any extended respite leave for clerical officers exceeding the statutory allowance.
27. the permission of using the designations “evangelic A.C.”, “Protestant A.C.” and “Lutheran”, in any combination of these elements, as well as the withdrawals of the permission with regard to public associations, foundations, enterprises under private law, on the basis of a brief of the Constitutional Committee of the Synod A.C.

### III.1

- (3) In respect of the Synod A.C. the Senior Church Council A.C. is responsible for the following additional duties:
  1. reporting on the state of the Church and the most important events since the last Synod A.C. as well as the execution of the Synod’s resolutions;
  2. the provision of all information required by the Synod A.C. and the presentation of any necessary documentation.
- (4) All documentation of the Protestant Senior Church Council A.C. is marked: Protestant-Lutheran Church in Austria (Protestant Church A.C.), Protestant-Lutheran Senior Church Council.
- (5) The rules of procedure to be compiled by the Senior Church Council A.C. in concordance with the Church Presbytery can assign certain tasks or areas of responsibility to individual members.
- (6) Unless otherwise stipulated by the rules of procedure, all documentation, and in any case all rulings, certificates concerning legal acts and any federal statutory notices regarding the Protestant Church’s external legal relations, must be signed by two members of the Protestant Senior Church Council A.C. All collectively signed documentation must also be marked with the official seal.

## 7. Members of the Senior Church Council A.C.

### 7.1 The Bishop of the Protestant-Lutheran Church

**Article 89.** (1) The Bishop is elected by the Synod A.C. by a two-thirds majority vote for a term of office of twelve years, unless the Synod A.C. decides to extend the office in accordance with para. 2. Re-election is permissible. Academically qualified clerical officers of Austrian nationality aged 40 and above are eligible for election to the office of Bishop.

(2) Upon completion of the electoral process the President must, taking into consideration the date upon which the incoming Bishop officially assumes office, calculate the age at which his or her twelve-year term of office will come to an end. If the twelve-year term of office is due to end after the incoming Bishop's 61<sup>st</sup> birthday but prior to the age of legal retirement as stipulated in the regulations governing clerical office, then the period of office must by law be extended to continue until his or her due retirement. This must be announced in the Official Journal.

(3) The ordination of the Bishop elect and the acceptance of his or her oath of office is officiated by his or her predecessor or, if this is not possible, by the longest serving Superintendent.

**Article 90.** (1) As primary minister of the Protestant Church A.C., the Bishop is responsible for all matters concerning its spiritual leadership. With constant attention to the unity of the Protestant Church in Austria and its overall leadership, the Bishop's particular duties are:

1. the office of guardian of the pure and authentic preaching of the Gospel and correct administration of the sacraments; he or she is responsible for ensuring the unity of the Church and adherence to its rules; he or she must take all due care that the Protestant Church as a whole and the individual parishes act in the spirit of true Christian love;
2. the office of pastorate over all officers of the Protestant Church A.C. in terms of pastoral care, advice and caution; to issue full-time preachers temporary licence to preach and administer the sacrament in Protestant Church communities, associations or other establishments; to issue temporary licence to preach and administer the sacrament to theologians in a particular parish before they are officially ordained; the ordination of candidates and of Superintendents;
3. the office of preacher in Church and in public; he or she is entitled to preach, administer the sacrament and perform official acts in all parishes and is called upon to issue pastoral letters; it is his or her duty to raise

### III.1.1

the voice of the Protestant Church so that it be clearly heard in the public realm.

(2) Visitations by the Bishop are performed in accordance with art. 63 para. 5, art. 67 and art. 114 para. 7.

(3) At the Bishop's own suggestion and in concordance with the Superintendent Committee A.C. of Vienna and the presbytery of the parish concerned, he or she can be assigned to a specific Protestant Church lying within the territory of the superintendent constituency A.C. Vienna, in which he or she can perform all of a minister's ordinary rights.

(4) The Bishop is entitled to seek representation in individual spiritual matters by a Senior Church Councillor, a Superintendent or other clerical officer; if such representation is not performed by the respective local Superintendent then he or she must be informed of this fact. In all other cases the Bishop can seek representation by another member of the Protestant Senior Church Council A.C. or of the Presidium of the Synod A.C.

**Article 91.** (1) If the Bishop is unable to perform his or her duties of office he or she will be represented by the longest serving clerical member of the Senior Church Council; should he or she also be indisposed, the other clerical member of the Senior Church Council will act on

### III.1.1

his or her behalf. If both of these usual representatives are indisposed, the Superintendent A.C. of Vienna will act as the Bishop's representative instead, for which duration he himself or she herself will require representation in his or her normal office as Superintendent.

(2) The office of Bishop expires under the following circumstances:

1. voluntary resignation from office, notification of which must be submitted to the Senior Church Council A.C. and the Church Presbytery, in which case art. 64 para. 2 applies accordingly;
2. upon completion of the calendar year in which he or she enters retirement;
3. upon completion of the statutory period of office;
4. upon termination of employment, and should any incompatibility arise as outlined in art. 19.

(3) The Bishop can, if it would serve the best interest of the Church, be removed from office by means of an appropriate Synod resolution supported by a two-thirds majority of its members (art. 77 para. 1). The provisions of art. 64 para. 2 apply accordingly. If necessary, a resolution by the Presidium of the Synod will be required to convene an extraordinary session of the Synod A.C. for this purpose.

(4) During the appointment of the Bishop's office para. 1 applies mutatis mutandis.

### III.1

(5) The Senior Church Council A.C. must commence proceedings for the election of the new Bishop without delay.

**Article 92.** *deleted.*

#### 7.2 Senior Church Councillors

**Article 93.** (1) The Senior Church Councillors are elected by simple majority of the Synod A.C. for a term of office of six years for secular members and twelve years for clerical officers; independent of an extension of office in accordance with para. 2, re-election is permissible.

(2) If a Senior Church Councillor is elected from amongst the ranks of clerical officers, the President must, taking into consideration the date upon which the incoming Councillor officially assumes office, calculate the age at which his or her twelve-year term of office will come to an end. If the twelve-year term of office is due to end after the incoming Councillor's 61<sup>st</sup> birthday but prior to the age of legal retirement as stipulated in the regulations governing clerical office, then the period of office must by law be extended to continue until his or her due retirement. This must be announced in the Official Journal.

### III.1

(3) Clerical officers of the Protestant Church A.C. or secular full members of the Protestant Church A.C. are eligible for election. [Clerical members must be ordained ministers, permanently employed by the Church, and eligible to the office of minister, secular members must be eligible to the office of member of parish council. Both the clerical and secular members will be nominated on the basis of proposals of either the superintendent assembly or the Nomination Committee of the Synod.<sup>1</sup>]

(4) Incoming clerical officers must resign their existing office upon assumption of their Senior Church Council membership, and secular membership can be on a full-time, part-time or voluntary basis.

(5) A Senior Church Councillor's office expires, other than upon completion of the statutory term of office, if any inconsistency arises as outlined in art. 19, art. 86 para. 1-4, and art. 87 para. 3.

(6) Should a Senior Church Councillor vacate office prior to completion of the statutory term of office, whatever the reasons, the president of the Synod A.C. is responsible for the election process of a successor either for a new period or the rest of the period, according to the provisions of this Constitution and the "Wahlordnung".

---

<sup>1</sup> Preliminary version, to be confirmed by the Lutheran Synod in December 2014

### III.1

The process may also be initiated when letters of resignation had been presented. Should a secular member of the Senior Church Council leave the office of will it be vacant a full year before the statutory period ends, no successor will be elected, if a reserve had been elected. In that case the reserve assumes all rights and duties of the office; art. 94 can be applied if necessary. In this case the consent of the Church Presbytery must be obtained.

**Article 94.** A reserve can be elected for each Senior Church Councillor. He or she represents the Senior Church Councillor or other individual Senior Church Councillors in their absence or upon vacation of office. These representatives participate in proceedings in an advisory capacity. They provide support to the respective member of the Senior Church Council. They can be assigned their own areas of responsibility in the rules of procedure of the Senior Church Council A.C.

#### **8. The Church Office of the Lutheran Church (Church Office A.C.)**

**Article 95.** (1) The Church Office A.C. is responsible for attending to the duties of the Senior Church Council A.C. and the Senior Church Council A. and H.C. under their respective leadership and instruction; in addition it attends to the execution of any office business of the Senate of Appeal and the Disciplinary Senates; as well as

### III.1

providing office support to the Presidium of the Synod A.C. and the General Synod.

(2) Up to four clerical or secular officers can be appointed to the Church Office on the basis of demonstrating the appropriate professional qualifications and relevant experience to manage specific administrative fields. The title of their role is Church Councillor.

(3) The Church Councillors attend sessions of the Senior Church Council A.C. and the Church Presbytery in a non-voting capacity.

**Article 96.** (1) Church Councillors who are responsible for dealing with legal and economic matters must have completed appropriate vocational training and have gained relevant vocational experience.

(2) Any further matters are regulated in the rules of the procedure of the Protestant Senior Church Council A.C.

#### **9. The Senior Church Council of the Protestant Church H.C. (Protestant-Reformed Church)**

**Article 97.** (1) The Senior Church Council H.C. is seated in Vienna.

### III.1.1

(2) The following are members of the Senior Church Council H.C.:

1. the National Superintendent;
2. the clerical members of the Church Presbytery H.C.; these officers carry the title “Senior Church Councillor”;
3. the secular members of the Church Presbytery H.C.; these officers carry the title “Senior Church Councillor”.

(3) At its constituent meeting the Protestant Senior Church Council H.C. elects from amongst its midst the Chairperson and his or her Deputy. Unless stipulated otherwise in the following provisions, the Protestant Senior Church Council H.C. meets in sessions, and when convened ordinarily a quorum exists when at least three of its members are in attendance.

(4) The Protestant Senior Church Council H.C. and each of its individual members are accountable for the conduction of its official business to the Synod H.C.

(5) The documentation of the Protestant Senior Church Council H.C. is marked: Protestant Church H.C. (Protestant-Reformed Church), Protestant Senior Church Council H.C.

(6) Unless stipulated otherwise in the rules of procedure, all documentation, and in any case all rulings, certificates

### III.1.1

concerning legal acts and any federal statutory notices regarding the Protestant Church’s external legal relations, must be signed by two members of the Protestant Senior Church Council H.C.

(7) All collectively signed documentation must also be marked with the official seal.

(8) Each member of the Senior Church Council H.C. holds office until the investiture of his or her successor.

(9) The members of the Senior Church Council H.C. perform their office in a part-time or voluntary capacity.

(10) A member of the Senior Church Council H.C. can be removed from office by means of a corresponding resolution passed by a two-thirds majority of the Synod H.C., in which case he or she is simultaneously also removed from office in the Church Presbytery.

**Article 98.** (1) The Senior Church Council H.C. represents the Protestant Church H.C. in Austria externally and is responsible for ensuring the compliance with and due application of the Church Constitution and the other canon laws, ordinances and edicts as well as state legislation within the Church H.C. It is responsible for maintaining ecclesiastical order within the Church H.C.

### III.1

(2) It is the duty of the Senior Church Council H.C. to raise the voice of the Protestant Church H.C. in the public realm.

(3) The following areas of activity belong to the particular responsibilities of the Senior Church Council H.C.:

1. the protection of the laws of the Church H.C. outside and the safeguarding of peace inside the Church;
2. the completion of agreements approved by the Church Presbytery with other churches and religious societies, church federations and associations of churches;
3. issuing interim injunctions concerning any such matters that are otherwise the preserve of the Synod H.C., as long as they will not endanger or damage the interests of the Church H.C. or its members in any ways and cannot be postponed until the next session of the Synod H.C. Such injunctions must be presented to the next session of the Synod H.C. for confirmation; should they fail to obtain such confirmation then they expire;
4. issuing ordinances implementing canon laws and any other resolutions passed by the Synod H.C. as well as monitoring their due compliance;
5. providing a general administrative system for Church assets of any form as well as accounting guidelines for Church use;

### III.1

6. the preparation and presentation of the budget in concordance with the Auditing Committee;
7. attending to the exact fulfilment of all payment obligations assumed by the Church H.C.;
8. the presentation of the final accounts to the Auditing Committee H.C.;
9. any resolutions of the Senior Church Council regarding the acquisition, divestment or encumbrance of real estate as well as the completion of contracts for any leases exceeding three years and, finally, concerning the assumption of any debt obligations that will not be repaid within the accounting year require authorisation by the Auditing Committee;
10. the correct administration of assets and running income for the Church H.C. in accordance with the guidelines issued pursuant to art. 74 para. 1 line 9. In cases concerning assets owned by the Church H.C., any resolutions are subject to the agreement of the Auditing Committee H.C.;
11. the administration of establishments' and special purpose assets which either belong to the Church H.C. or have been assigned to the Senior Church Council H.C. for specific church or school usage;
12. ultimate supervision of the administration of all parish assets;
13. the supervision of institutions, Protestant Church communities, facilities and foundations of the Protestant Church A.C. and the encouragement of co-operation between these establishments;

### III.1.1

14. the ultimate supervision of the collection of church contributions;
15. attending to the maintenance and expansion of foundations and special purpose assets of the Church H.C. as well as the mutual responsibility, alongside the parishes, for the creation, care and repair of churches, schools and other church premises;
16. decisions concerning the creation or dissolution of parishes and daughter parishes;
17. ensuring that clerical officers, Church and parish employees receive appropriate salaries, pensions or supplementary allowances to their pensions and that their widows, widowers and orphans are adequately provided for;
18. the completion of agreements and collective contracts with voluntary trade/professional associations or with employees' representatives regulating the payment and benefits of employment by the Church H.C.;
19. the care and support of students studying theology with the aim of entering service of the Protestant Church H.C. in Austria;
20. the issuing of rules of procedure for the Senior Church Council H.C., the Church Chancellery H.C. and any other formal bodies;
21. the final decision in any matters concerning the administration of the Church H.C. where the Senior Church Council H.C. is specifically accorded this responsibility in this Church Constitution;

### III.1.1

22. the allocation of annual leave to ministers as well as the allocation of any extended respite leave for clerical officers which exceeds the statutory allowance;
  23. the election of a secular member and his or her reserve for the Senior Church Council A. and H.C.
  24. the permission of using the designations "evangelic H.C.", "Protestant H.C." and "reformed", in any combination of these elements, as well as the withdrawals of the permission with regard to public associations, foundations, enterprises under private law, on the basis of a brief of the Constitutional Committee of the Synod H.C.
- (4) In respect of the Synod H.C. the Protestant Senior Church Council H.C. is responsible for the following duties:
1. the preparation of the Synod H.C., especially in terms of formulating its own petitions and draft legislation and, where necessary, the processing of any petitions submitted by the presbyteries as well as their presentation to the Synod H.C.;
  2. convening the Synod H.C.;
  3. reporting on the state of the Church and the parishes, the most important events since the last Synod H.C. and the execution of the Synod's resolutions;
  4. the provision of all information required by the Synod H.C. and the presentation of any necessary documentation.

**9.1 The National Superintendent**

**Article 99.** (1) Every minister of Austrian nationality within the Protestant Church H.C. who is aged 35 or over is eligible for election to the office of National Superintendent; citizens of the European Union and of Switzerland are equally eligible.

(2) The National Superintendent is elected for a term of office of six years by a two-thirds majority of the Synod H.C. Re-election is permissible.

(3) The ordination of the National Superintendent elect and the acceptance of his or her oath of office is officiated by the Chairperson of the Synod H.C. or, in case of their indisposition, by his or her Deputy.

(4) The office of National Superintendent is a part-time position.

**Article 100.** (1) The National Superintendent is responsible for the spiritual leadership of the Protestant Church H.C. in accordance with the Church Constitution and canon laws.

(2) The National Superintendent is responsible for the ultimate supervision of ecclesiastical order within the Church H.C. He or she is responsible for the

representation and administration of the Church H.C. in all areas that are not specifically assigned to the Senior Church Council H.C.

(3) He or she represents the Protestant Church H.C. in Austria in the Senior Church Council A. and H.C. and in the Examination Commissions.

(4) The National Superintendent must relay any requests or complaints communicated to him or her to the Senior Church Council H.C. for acknowledgement and, if appropriate, resolution.

(5) He or she must compile a detailed report of every parish visitation for submission to the Senior Church Council H.C. The costs incurred by visitations are borne by the Church H.C., unless the parish has requested the visitation itself, in which case the parish must cover the costs.

(6) The visitation of the National Superintendent's own parish is performed by a representative of the Superintendent.

(7) In addition to the rights and duties outlined in other provisions, the particular responsibilities of the National Superintendent include:

1. the protection of the rights of the Protestant Church and those afforded to its members, as well as

### III.1.1

- preserving peace amongst the parishes of the Church H.C.;
2. supervising the performance in office of the clerical personnel in collaboration with the Senior Church Council H.C.;
  3. attention to ministers' continuing academic and vocational training;
  4. providing support for those students within the superintendent constituency who are studying theology with the intention of entering service of the Protestant Church A.C. in Austria;
  5. the preparation and leadership of ministers' conferences;
  6. overseeing and, if necessary, resolving any issues concerning the expedient and fair division of tasks, the allocation of religious studies teaching hours between multiple clerics within a parish;
  7. the supervision of the registry;
  8. the amicable resolution of any disagreements between clergy or other members of the parish;
  9. the issuing of approval to preach and deliver the sacrament (licentia concionandi) to any qualified theologians who are not included in the Register of Official Ministers;
  10. the ordination and investiture of clergy;
  11. granting vacation to clergy and ensuring the smooth running of the ministerial office during any vacation or illness of a minister or the selection process for a new minister.

### III.1.1

**Article 101.** (1) If the National Superintendent is indisposed, he or she will be represented in accordance with the provisions of the rules of procedure for the Senior Church Council H.C. by a clerical member of the Senior Church Council H.C. of Austrian nationality.

(2) The National Superintendent is entitled, with the agreement of his or her Deputies, to seek representation by another minister of the Church H.C. in the conduction of spiritual matters.

(3) In all other matters the National Superintendent can be represented by the secular members of the Senior Church Council H.C. or, with their agreement, by the secular members of the Synod H.C., and in particularly extenuating circumstances by any full member of the Protestant Church H.C.

(4) The National Superintendent can be removed from office by means of a corresponding Synod H.C. resolution supported by a two-thirds majority.

**Article 102.** (1) The office of National Superintendent expires under the following circumstances:

1. voluntary resignation from office, notification of which must be submitted to and approved by the Senior Church Council H.C.;
2. upon completion of the statutory six-year term of office;

### III.1.1

3. upon termination of employment;
4. should any incompatibility arise as outlined in art. 19.

(2) Should the National Superintendent vacate office prior to completion of the statutory term of office of the Synod H.C., then the Senior Church Council H.C. must commence proceedings for the election of a new National Superintendent for the remaining duration of the predecessor's office.

(3) Until the election of the new National Superintendent the office will be represented by the longest serving clerical member of the Senior Church Council H.C.

#### **10. The Church Chancellery of the Reformed Church (Church Chancellery H.C.)**

**Article 103.** (1) The Church Chancellery H.C. is responsible for carrying out the administrative element of the duties incumbent upon the Protestant Senior Church Council H.C., and in addition providing administrative support to the Chairperson of the Synod H.C., the Church Presbytery, the committees, commissions and project teams as well as the committees of the General Synod.

(2) The Protestant Senior Church Council H.C. must compile a set of rules of procedure for the Church Chancellery H.C. In particular these must determine:

### III.1.1

1. the extent to which the Church Chancellery H.C. should attend independently to the everyday business of the Protestant Senior Church Council H.C.;
2. the authority granted to the individual members of the Protestant Senior Church Council H.C. over their personally assigned assistants;
3. the scope of administrative support provided to the Chairperson of the Synod H.C.

(3) The position of Church Councillor should be established within the Church Chancellery H.C. for the management of the financial and economic affairs of the Church H.C.

(4) Additional positions will be allocated within the Church Chancellery H.C. on the basis of the staffing roster produced by the Protestant Senior Church Council H.C. and authorised by the Synod H.C.

**Article 104.** (1) The Church Councillor must hold relevant qualifications in the field of economics and taxation as well as demonstrating appropriate professional experience.

(2) The appointment is subject to authorisation by the Church Presbytery.

(3) The specific duties of the Church Councillor will be outlined in the rules of procedure of the Senior Church Council H.C.

## XII. The Protestant Church A. and .H.C. (National Church)

**Article 105.** (1) The Protestant-Lutheran Church (Church A.C.) and the Protestant-Reformed Church (Church H.C.) join together to form the Protestant Church A. and H.C. (National Church) to safeguard their mutual interests.

(2) The organs of the National Church are the General Synod, the Church Presbyteries A.C. and H.C. in joint session, the Legal and Constitutional Committees and the Financial Committees when passing binding resolutions in joint session, and the Protestant Senior Church Council A. and H.C.

### 1. The General Synod

**Article 106.** (1) The term of office of the General Synod is six years, commencing at its constituent meeting and ending at the constituent meeting of the newly elected, successive General Synod.

(2) The General Synod must be convened per decree of the Presidium of the Senior Church Council A. and H.C. within half a year of the election of its members and normally in Vienna.

(3) Thereafter it is convened for further sessions either at its own resolution or per decree of the Presidium of the

General Synod, or by the Senior Church Council A. and H.C. following a corresponding resolution of the Church Presbyteries in joint session. At the beginning of every subsequent meeting (session) of the General Synod within a single period of office, business will resume at the point at which it was ceased at the close of the previous meeting (session).

(4) The provision of art. 76 para. 2 applies mutatis mutandis to the composition of the General Synod. Members of the General Synod are duty-bound to report upon their activities mutatis mutandis as outlined in art. 73 para. 8.

**Article 107.** (1) Meetings (sessions) of the General Synod, which can only commence after the constitution of both the Synods A.C. and H.C., are opened by the President of the Synod A.C.

(2) Under his or her Chair the Presidium of the General Synod must then be constituted and two or more secretaries appointed.

(3) The Presidium of the General Synod consists of the President of the Synod A.C., his or her first Deputy and one secular member, the latter being appointed by the Synod H.C. from within its midst. The Chair is held by the President, or, in his or her absence, the elected

### III.1.1

representative of the Synod H.C., and if this is also not possible the first Deputy of the Synod A.C.

(4) The rules of procedure of the General Synod regulate matters more precisely.

**Article 108.** (1) A quorum is achieved in the General Synod when two-thirds of its members are in attendance.

(2) Resolutions are generally passed by a simple majority. In the event of a tied vote a petition is considered to have been rejected.

(3) A two-thirds majority must be obtained in respect of any resolutions concerning the Church Constitution, Electoral Procedure (art. 10 para.s 8, 9), Data Protection Policy and the rules of procedure.

(4) Votes cast in ballots at the General Synod are counted without regard to denominational considerations.

**Article 109.** (1) The following are members of the General Synod:

1. the members of the Synod A.C.;
2. the seven members of the Synod H.C. elected for this duty from amongst its midst;
3. three representatives of the different Departments within the National Church.

### III.1.1

(2) According to para. 1 line 3 the Departments are the Protestant Youth of Austria, the Protestant Women's Organisation and the World Mission; their representatives are delegated by the appropriate bodies of these institutions, or, in the case of the World Mission, by the Senior Church Council A. and H.C. following the proposal of the Mission's Council.

(3) *deleted.*

**Article 110.** (1) In the pursuit of mutual interests the particular responsibilities of the General Synod include the following duties:

1. the issuing of rules of procedure for the General Synod;
2. church legislation, particularly in respect of the Church Constitution and the authorisation of interim injunctions;
3. the election of members of the Senate of Appeal (art. 117 para. 3) and the Disciplinary Senates of First and Second Recourse;
4. deliberation of the Report on the State of the National Church as produced by the Senior Church Council A. and H.C., the most important events since the last General Synod and the implementation of its resolutions;
5. the appointment of the Data Protection Officer for the National Church;

### III.1

6. the passing of resolutions in response to petitions and complaints concerning the legal status of the National Church;
7. the approval of the National Church's budgets and final accounts. These duties are performed on behalf of the General Synod by joint session of the Financial Committees;
8. the issuing of guidelines for the financial management of the National Church, particularly in respect of church contributions and the use of National Church funds, as well as setting each of the two Church's percentage share, according to their respective membership numbers, of contributions towards National Church funds;
9. the passing of resolutions concerning those matters outlined in art.s 69-72, except matters of public associations, foundations, or enterprises under private law with respect to a permission to use the designations "evangelic", "evangelic A.C. or H.C.", respectively, "Lutheran" or "reformed", "Protestant", and with respect to the removal of such designations;
10. decisions concerning any complaints regarding the supervisory duties of the Senior Church Council A. and H.C. or its members.

(2) The General Synod is not entitled to change the confession of either of the two Churches.

### III.1

(3) Resolutions concerning provisions within the Church Constitution or canon law that affect only one of the two Churches will be considered and passed by the Synod of that Church alone.

**Article 111.** (1) Unanimous decisions of the Synods pertaining to the provisions of the Church Constitution or canon law have the same effect as resolutions passed by the General Synod, as long as they have been passed in accordance with the criteria stipulated for the General Synod's resolutions in respect of attendance and majority.

(2) If, during deliberations concerning provisions of the Church Constitution or canon law, a majority of the representatives of one of the two Protestant Churches in the General Synod requires the chance for separate discussion and decision of the issue in the Synod A.C. or the Synod H.C., debate of this agenda point should be suspended for the time being and the Chairperson of the General Synod should refer the point in question to the appropriate committee and the Church Presbyteries for further deliberation. They then prepare the new draft resolution.

(3) If, during the course of deliberations concerning provisions of the Church Constitution or canon law by the Church Presbyteries in joint session, resolutions arise for mutually agreeable petitions to the General Synod which, however, require separate votes, then the General Synod

### III.1.1

must consider and reach a decision on these parallel petitions. In the course of the fresh deliberation of these parallel Church Presbyteries' petitions demands according to para. 2 can no longer be levied. Each Synod is entitled to draft the provisions under consideration in a manner which specifically applies to its own Church. These parallel provisions must then be adopted alongside each other in the Church Constitution or the appropriate canon law.

(4) If, however, during deliberations concerning provisions of the Church Constitution or canon law by the Church Presbyteries in joint session, no mutually agreeable resolutions arise towards the formulation of petitions to the General Synod, then each Synod is entitled to formulate independently the provisions in question as they should apply specifically to its own Church. These different provisions must then be adopted alongside each other in the Church Constitution or the appropriate canon law.

(5) Excepted from para. 4 are any provisions that require joint regulation in the pursuit of the Churches' mutual interests, such as those provisions, in particular, pertaining to the National Church, for instance.

(6) If regulations drafted by one of the Churches are perceived by the Senior Church Council or the Church Presbytery of the other Church as a provision concerning

### III.1.1

joint interests, then the procedure outlined in para.s 2 and 3 must be followed. Until such a time as a resolution can be reached in accordance with para. 1 or para. 3 the regulation in question will neither take effect, nor will it be promulgated in the Official Journal.

#### 2. Joint Sessions of Committees and Commissions

**Article 112.** (1) When the Church Presbyteries or the committees, commissions and project teams of the Synod A.C. and the Synod H.C. meet together for the joint deliberation and resolution of agendas, the Chairperson is elected from amongst the members. This is regulated in more detail by the rules of procedure of the General Synod, although it should be borne in mind that the Chair is assumed by secular members and that voting occurs in accordance with art. 111 mutatis mutandis and in each case requires a majority vote in favour amongst the representatives of the Protestant Church. The Church Presbyteries meeting in joint session can address, work on or substitute any outcomes from the committees' deliberations.

(2) The General Synod's standing committees are the Theological Committee, the Legal and Constitutional Committee, the Nominating Committee. In addition, joint sessions of the Financial Committees and Legal and Constitutional Committees of the Synod A.C. and Synod H.C. should be established as standing committees. The

### III.1.1

members of the Senior Church Council A. and H.C. are entitled to attend in a non-voting capacity any meetings of the General Synod's committees, commissions and project teams as well as those of the joint sessions of the committees and commissions. A Commission for Religious Education should be appointed to attend to all issues concerning religious education. Its precise composition and the means of appointing its members should be decided by the General Synod during the constituent meeting for its forthcoming period of office.

(2a) § 13 para. 7a of the General Synod's rules of procedure will include the appropriate provisions to cover the XIV<sup>th</sup> legislative period.

(3) In accordance with art. 111, the Church Presbyteries must attend to any demand for separate deliberation of provisions of the Church Constitution or canon laws in the Synod A.C. or H.C. respectively; they must then vote separately.

(4) Interim injunctions concerning any such matters that are otherwise the preserve of the General Synod, that will not endanger or damage the interests of the Churches or their members in any way and cannot be postponed until the next session of the General Synod should be presented by the Senior Church Council A. and H.C. to a joint session of the Legal and Constitutional Committees or the Financial Committees for resolution; such

### III.1.1

injunctions must be presented to the next meeting (session) of the General Synod for confirmation; should they fail to obtain such confirmation then they expire.

(5) Joint sessions of the Legal and Constitutional Committees determine, as long as art. 115 para. 2 is not applicable, any transfer of competence at the behest of a member of the Senior Church Council A. and H.C.

(6) Joint sessions of the Financial Committees are entitled to inspect the management of financial matters; they are called upon to decide matters concerning the assets of the National Church including their divestment or encumbrance.

(7) The Equality Commission requires regulation by means of canon law.

(8) In addition, the provisions of art. 83 apply mutatis mutandis to any committees, commissions and project teams established by the General Synod or both Church Presbyteries A.C. and H.C. meeting in joint session.

### **3. Joint Sessions of the Auditing Committees A.C. and H.C.**

**Article 113.** (1) In accordance with art. 84 the Auditing Committees meet together for joint deliberations and resolutions. The Chair is assumed by the Chairperson of

### III.1

the Auditing Committee of the Synod A.C. The Chairperson of the Auditing Committee of the Synod H.C. acts as his or her Deputy.

(2) The provisions of art. 84 para.s 3-5 apply mutatis mutandis with the qualification that the Chairperson of the Synod H.C. is not a member of the joint session of the Auditing Committees A.C. und H.C.

#### **4. The Senior Church Council of the Protestant Church A. and H.C.**

**Article 114.** (1) The administration of the Protestant Church A. and H.C. is the responsibility of the Senior Church Council A. and H.C., which is seated in Vienna.

(2) The following are members of the Senior Church Council A. and H.C.:

1. the Bishop of the Church A.C.;
2. the five members of the Senior Church Council A.C. elected to this office, or their reserves in case of their indisposition;
3. the National Superintendent, or in the case of his or her indisposition his or her Deputy;
4. one secular Senior Church Councillor H.C., or in the case of his or her indisposition his or her reserve.

(3) At the behest of a member of the Senior Church Council A. and H.C. the Senior Church Council shall

### III.1

determine the allocation of responsibilities regarding the Senior Church Council A.C. or H.C. as well as its own competence.

(4) The members of the Protestant Senior Church Council A. and H.C. must be Austrian nationals. Nationals of the member states of the European Union as well as the Swiss Federation enjoy equal status with Austrian citizens.

(5) The Chair of the Protestant Senior Church Council A. and H.C. is held by the Chairperson of the Senior Church Council A.C. or the Chairperson of the Senior Church Council H.C. on his or her behalf. The provision of art. 94 is applicable mutatis mutandis.

(6) In conducting its official business the Senior Church Council A. and H.C. is accountable to the General Synod.

(7) In addition to para. 1 the Protestant Senior Church Council A. and H.C. is responsible for ensuring the compliance with and due application of the Church Constitution and the other canon laws, ordinances and edicts. The areas of particular responsibility of the Senior Church Council A. and H.C. include:

1. the protection of the laws and representation of the National Church externally, particularly in the public realm;

### III.1

2. representation of the National Church in the World Council of Churches and towards the European Union;
3. the completion of agreements with other churches and religious societies, church federations and associations of churches, following consultation of the Theological Committee and the Legal and Constitutional Committee and approval by the Church Presbyteries; the appropriate appointment or delegation of qualified representatives;
4. issuing ordinances concerning the execution of the Church Constitution, other canon laws and other resolutions passed by the General Synod as well as monitoring their due compliance;
5. the republication of church legislation, wherever this is necessary for the sake of legal clarity;
6. applications for interim injunctions via the appropriate Church Presbytery, committees or commissions;
7. the publication of the Official Journal of the Protestant Church A. and H.C.;
8. issuing the rules of procedure for the Senior Church Council A. and H.C. in concordance with the joint session of the Legal and Constitutional Committees und the Financial Committees;
9. dealings with federal, regional and local State authorities;
10. the appraisal of draft legislation issued by the national and regional authorities of Austria and the European

### III.1

- Union, as well as compiling any assessments, proposals or reports concerning issues relevant to either Churches and religious societies in general or to the specific concerns of the Protestant Church;
11. in concordance with the Church Presbyteries and the Financial Committees in joint session, the completion of agreements and collective contracts with voluntary trade/professional associations or with employees' representatives regulating the payment and benefits of employment by the Church including employment within the Church institutions and facilities;
  12. the presentation, preparation and resolution of the budget for the Church A. and H.C. and its facilities in concordance with the joint session of the Financial Committees;
  13. attending to the exact fulfilment of all payment obligations assumed by the Church A. and H.C.;
  14. the presentation to the joint session of the Financial Committees of the examined and certified accounts of the Church A. and H.C., its institutions and facilities supported by reports issued by chartered accountants;
  15. the correct administration of assets and running income for the National Church in accordance with the guidelines issued by the Legal and Constitutional Committee and the Financial Committee;
  16. the administration of establishments', foundations' and special purpose assets which either belong to the National Church or have been assigned to the Senior

### III.1.1

- Church Council A. and H.C. for specific church or school usage;
17. the creation of and any appointments to ministerial posts for specific duties within the National Church and the establishment of appropriate regulations for such posts (art. 23 para.s 4-6);
  18. the regulation of all educational and pedagogical matters as well as the authorisation of the establishment and conveyance of schools, individual school classes or educational institutions;
  19. the overall supervision of religious education;
  20. the determination of the regulations governing the accreditation and authorisation of teachers of religious studies at all types of schools (“vocatio”);
  21. following consultation of the joint session of Church Presbyteries, the determination of the regulations for the examination of teachers of religious studies at compulsory schools;
  22. following consultation of the joint session of Church Presbyteries, resolution of the curricula for the teaching of religious studies and the approval of religious studies text books and other teaching material in consultation with the Superintendents, the National Superintendent, the Commission for Religious Education as well as other experts in this field;
  23. the appointment of the Examining Commissions as stipulated in canon laws;

### III.1.1

24. the appointment of school inspectors for the subject of religious studies following consultation of the Commission for Religious Education and based on the proposals of the respective Superintendent and/or the National Superintendent;
25. the running of National Church institutions providing initial, further and continuing training for parish teachers and teachers of religious studies;
26. the running and administration of the “Dr. Wilhelm Dantine House” student halls and the Wilhelm Dantine Memorial Fund;
27. decisions concerning the admission of trainee ministers and the collation of all data relevant to the ministerial service of these trainees;
28. the organisation of the registry;
29. the administration of the combined archives of the National Church, the Church A.C. and the Church H.C.;
30. running the National Church Library;
31. the supervision of all Protestant Church A. and H.C. institutions, communities, establishments and foundations, and the encouragement of co-operation between these institutions;
32. the final decision on any matters concerning the administration of the National Church where the Senior Church Council A. and H.C. is specifically accorded this responsibility in this Church Constitution;

### III.1.1

33. the resolution of any disputes between parishes that belong to the different Churches;
34. the appointment of military chaplains and community service commissaries in concordance with the relevant (Military) Superintendents or National Superintendent;
35. the appointment of the Head of the Protestant Military Chaplaincy in conjunction with the joint session of the Church Presbyteries;
36. the permission of using the designations “evangelic”, “Protestant”, in any combination of these elements, as well as the withdrawals of the permission with regard to public associations, foundations and enterprises under private law, if necessary on the basis of a brief of the Constitutional Committee of the General Synod.

(8) The visitation of the Protestant Military Chaplaincy and the university communities is the duty of the Senior Church Council A. and H.C., to be performed by its Chairperson and his or her Deputy in the presence of the Military Superintendent and the relevant Superintendent.

(9) In respect of those duties of the Senior Church Council A. and H.C. concerning the General Synod the provisions of art. 88 para. 2 are applicable mutatis mutandis.

### III.1.1

(10) The Senior Church Council A. and H.C. can assign individual areas or specific tasks to non-members for attention under its authority. The duties of such appointees must be precisely determined and set down in writing.

**Article 115.** (1) The Protestant Senior Church Council A. and H.C. generally acts in sessions and a quorum exists when at least four members are in attendance. The rules of procedure contain more precise regulations.

(2) If a matter at hand within its competence relates in any way to a confessional issue, it only requires one sole member to transfer the competence in that matter to the respective Church Presbyteries for resolution. The decision then requires the unanimous resolution of both Church Presbyteries.

**Article 116.** (1) Documentation of the Protestant Senior Church Council A. and H.C. is marked: Protestant Church A. and H.C. in Austria, Protestant Senior Church Council A. and H.C.

(2) Unless otherwise stipulated by the rules of procedure, all documentation, and in any case all rulings, certificates concerning legal acts and any federal statutory notices regarding the Protestant Church’s external legal relations, must be signed by two members of the Protestant Senior Church Council A. and H.C.

### III.1.1

(3) All collectively signed documentation must also be marked with the official seal.

(4) The Church Office A.C. is responsible for carrying out the administrative element of the duties incumbent upon the Protestant Senior Church Council A. and H.C. The Church H.C. makes an appropriate contribution towards the costs incurred by this work at a rate determined amicably by the Financial Committee.

### **XIII. The Senate of Appeal of the Protestant Church A. and H.C. in Austria**

#### **1. Composition**

**Article 117.** (1) The Senate of Appeal consists of a President, his or her Deputy and four further members (assessors) as well as six reserve members. The President and his or her Deputy must be qualified for judicial office or professional lawyers who are (or have been in the past) qualified to practise law in Austria. One half of the members of the Senate of Appeal and of its reserve members must be clerical officers and the other half fully qualified (currently or in the past) legal professionals. They must belong to the Protestant Church A.C. in Austria or the Protestant Church H.C. in Austria and not be excluded from exercising voting rights therein.

### III.1.1

(2) The members and reserve members of the Senate of Appeal cannot be members of or reserve members of the Synod A.C., the Synod H.C. or the General Synod, nor can they be members of the Senior Church Council A.C. or the Senior Church Council H.C., nor can they belong to any Superintendent Committee.

(3) The General Synod elects the President of the Senate of Appeal, his or her Deputy and the remaining members and reserve members of the Senate of Appeal. The Senate of Appeal can nominate candidates.

(4) The members of the Senate of Appeal perform the functions of their office autonomously and independently and are bound only by church legislation.

(5) They swear an oath upon assuming office.

(6) Membership of the Senate of Appeal is a voluntary position. Members are reimbursed any cash expenditure and travel costs incurred as well as a daily allowance.

**Article 118.** (1) Persons appointed as members or reserve members of the Senate of Appeal must vacate this office if any such change occurs to their personal circumstances as to annul their fulfilment of the criteria for their appointment or hinder them from further involvement, or at the latest upon their 75<sup>th</sup> birthday.

### III.1

(2) In addition, persons appointed as members or reserve members of the Senate of Appeal must vacate their office as a result of any legally binding disciplinary expulsion from office or in the case of a voluntary surrender of office, which must be communicated in writing to the President of the General Synod. Membership or reserve membership of the Senate of Appeal also expires in case of death.

(3) More detailed regulations for paragraphs 1 and 2 are provided in the Disciplinary Ordinance of the Protestant Church A. and H.C. in Austria.

#### 2. Areas of Competence

**Article 119.** (1) The Senate of Appeal considers:

1. conflicts of competence between constitutional offices of the Church A.C., the Church H.C. and the Protestant Church A. and H.C.;
2. potential contraventions of the Church Constitution by canon laws or interim junctions;
3. potential contraventions of the Church Constitution or other legislation by agreements with other Churches and religious societies, church federations or associations of churches;
4. whether any republication of a regulation exceeds given authority;
5. potential illegalities of ordinances and other generally binding directives from Church offices;

### III.1

6. complaints challenging the decisions of Church offices on the basis of alleged illegality, as a final recourse once all other stages of appeal have been exhausted. An illegality does not exist if the Church offices have reached a decision within the boundaries of their free discretionary powers;
7. complaints challenging decisions and measures where the complainant maintains that said decision or measure infringes the rights afforded to him or her by the Church Constitution and canon laws;
8. the potential infringement of duties of decision on the part of Church offices, as a final recourse once all other stages of appeal have been exhausted, as long as the delay in question has not been caused by the petitioner.

(2) The Senate of Appeal also considers constitutional and legal contraventions in the case of proceedings pending ex officio.

(3) The Senate of Appeal considers any disputes concerning an election if the alleged illegality might have affected the outcome of said election.

(4) Excluded from the competences of the Senate of Appeal are disciplinary affairs and any matters pertaining to church contributions.

### III.1

(5) The Senate of Appeal can express opinions on draft legislation.

**Article 120.** The Senate of Appeal must submit a report to the Synods and General Synod of its activities during the previous year by 31<sup>st</sup> December each year at the latest. Above and beyond this requirement, the Senate of Appeal can, whenever it deems necessary, submit a report to a Synod or the General Synod presenting its proposals concerning the resolution of legal issues.

**Article 121.** (1) The following are entitled to submit a petition or lodge a complaint:

1. in respect of conflicts of competence between constitutional offices of the Church A.C., the Church H.C. and the Protestant Church A. and H.C.: the bodies of the Superintendency, the Churches A.C. and H.C. and the National Church;
2. in cases pertaining to art. 119 para. 1 lines 2-4: the organs of the Church A.C., of the Church H.C., of the Protestant Church A. and H.C. and those Church institutions, Protestant Church communities, corporations and co-operatives, Church establishments and foundations outlined in art.70. Administrative proceedings do not have to be pending in order for the judgment of petitions to occur;
3. in cases pertaining to art. 119 para. 1 lines 5-7: the petitioner in the respective church administrative

### III.1

- proceedings as well as those persons and Church bodies whose rights are or would be affected;
4. in cases pertaining to art. 119 para. 1 line 8: the subjects of such decisions;
  5. in cases pertaining to art. 119 para. 3: anyone actively involved in voting or standing in the election that is being disputed as well as any higher office, within 14 days of the initial awareness of grounds for disputing the election.

(2) The provisions of the Procedural Regulations govern procedures before the Senate of Appeal mutatis mutandis, unless any other explicit regulations exist in this respect.

(3) Documentation must be submitted in sufficient multiplication that all involved parties can be issued with individual copies.

(4) The activities of the Senate of Appeal and the running of its business must be regulated by a set of rules of procedure as issued by the Senate of Appeal and published by the Senior Church Council A. and H.C. in the Official Journal of the Protestant Church A. and H.C. in Austria.

### XIV. Transitional and Final Provisions

**Article 122.** (1) Articles 13, 14, 16, 18, 19 para.s 2 and 3, 20, 43, 46, 51, 52 and 53-115 of the Church Constitution

### III.1.1

come into effect on 1<sup>st</sup> January 2012; however the respective regulations concerning the organs of the second and third level of organisation will only take effect upon the actual constitution of these organs.

(2) The committees of the Synod A.C. or H.C. as well as joint sessions of the committees of the Synods A.C. and H.C. remain responsible for the deliberation and resolution of the financial statements and budgets for the financial year 2012.

(3) Within the Protestant Church A.C. the incompatibility regulations newly created in the 2012 Amendment of the Church Constitution in consideration of the persons cited in art. 19 para. 1 (political officers in the broadest sense), Superintendent Curates (art. 59 para. 1 line 3), members of the Protestant Senior Church Council A.C. (art. 18 para. 3) as well as the President of the Synod A.C. (art. 76 para. 1 line 2) only come into effect on 1<sup>st</sup> January 2015. Until that date the previous incompatibility regulations of the 2005 Church Constitution and Electoral Procedure continue to apply, or apply mutatis mutandis, to all of the aforementioned persons.

**Article 123.** The duties of the committees of the Synods A.C., H.C. as well as joint sessions A.C. and H.C. should be designated to the Church Presbyteries and the Senior Church Councils according to the principle of the new division of responsibilities outlined in this Church

### III.1.1

Constitution, namely the determination of the directions in which the Protestant Church in Austria should develop, on the one hand, and the due completion of administrative matters on the other; in particular, the respective Church Presbytery is responsible for the areas outlined in art. 23 para.s 4 and 6, art. 25, art. 26 para. 1, art. 51 para. 1, art. 52 para. 1, art. 55 para. 1 line 2, art. 68 para. 2, art. 86, art. 88 para. 2 line 2, art. 91 para. 2 line 1, art. 93 para. 6, art. 97 para. 10 of the obsolete Church Constitution, and the Church Presbytery is responsible for those cited in § 16 para. 2, § 17 para. 2, § 23 para. 2, § 26 para. 3, § 29 para.s 1 and 2, § 46 para. 4, § 61 para. 5, § 75 para. 3 of the Regulations governing Clerical Office; the respective Senior Church Council is responsible for those areas cited in art. 41 para. 1 of the Church Constitution, and those outlined in § 10 line 3 of the Data Protection Policy, § 81 para. 1 of the Regulations governing Clerical Office, § 35 para. 10 of Electoral Procedure and § 39 para. 3 of Disciplinary Procedure.

#### Entry into Force and Transitional Regulations

**Article 124.** (1) The amendments to art.s 17-49 of the Church Constitution and to Procedural Regulations and the Electoral Procedure come into effect on 1<sup>st</sup> January 2011. All other amendments to the Church Constitution already came into force on 26<sup>th</sup> October 2010 on the basis of the relevant decree issued by the Synod A.C. or the General Synod, apart from art. 19 para. 1.

### III.1

(2) For those bodies incumbent in office and in respect of their composition the previous regulations continue to apply until the current period of office expires.

(3) Once articles 63 para. 2, 89 para. 2 and 93 para. 2 come into force, the President of the Synod A.C. or the Superintendent Curates, as appropriate, must determine within a period of one year whether the incumbent officers fulfil, or fulfilled, according to the entire set of relevant provisions the criteria for extension of office in terms of section A. If this is the case, then the period of office of the incumbent officers in question is duly extended in terms of the newly effective regulations outlined in articles 63 para. 2, 89 para. 2 and 93 para. 2. These findings must be announced in the Official Journal.

(4) The following provisions expire, as outlined in: OJ No.s 136/2005, 215/2005, 216/2005, 221/2005, 89/2006, 157/2006, 162/2006, 248/2006, 254/2006, 96/2007, 115/2007, 132/2007, 94/2008, 196/2008, 201/2008, 214/2008, 236/2009.