

LONG SERVICE LEAVE CANON (AMENDMENT) CANON 1985
ADOPTING ORDINANCE 1986
NO. 5 OF 1986

AN ORDINANCE

To Adopt the "Long Service Leave Canon (Amendment) Canon 1985"

PREAMBLE.

Whereas it is desirable that the Long Service Leave Canon (Amendment) Canon 1985 of General Synod of the Anglican Church of Australia should be adopted by the Diocese Of Grafton.

Therefore the Bishop, Clergy and Laity of the Diocese of Grafton in Synod assembled decree and enact as follows:-

SHORT TITLE

- 1. This Ordinance may be cited as the "Long Service Leave Canon (Amendment) Canon 1985 Adopting Ordinance 1986."

ADOPTION

- 2. The Long Service Leave Canon (Amendment) Canon 1985 as set out in the schedule hereto is hereby adopted.

THE SCHEDULE
No. 9 1985

A Canon to amend the Long Service Leave Canon 1966-1973

The General Synod prescribes as follows:

- 1. (1) This canon may be cited as the "Long Service Leave Canon (Amendment) Canon 1985".
- (2) The Long Service Leave Canon 1966-1977 is in this canon referred to as "the principal canon".
- (3) The principal canon as amended by this canon may be cited as the "Long Service Leave Canon 1966-1985".
- 2. The principal canon is amended
 - (1) by omitting paragraph (b) of Section 1 and substituting the following:

"(b) "Clergyman" means -

- (i) a bishop of a diocese;
- (ii) a person licensed by the bishop of a diocese to the cure of souls in a parish or licensed to be an assistant clergyman in a parish such person being in deacons' or priests' orders; or
- (iii) a bishop dean archdeacon canon principal vice principal or tutor in holy orders of a university or theological college headmaster of a school or chaplain or other person in holy orders licensed to other distinct official position in the diocese or holding some other licence of the bishop of the diocese.

In any diocese the synod of which so resolves this definition shall for the purposes of this canon extend to a person licensed by the bishop to exercise the office of deaconess in that diocese."

- (2) by inserting after paragraph (h) of Section 1 the following:

"(ha) "Participating organisation" means an organisation which employs one or more clergymen and which, on application by the organisation but subject to such terms and conditions as shall be agreed in writing between the Board and the organisation, is approved by the Board as a participating organisation."

- (3) by inserting after paragraph (j) of Section 1 the following:

"(ja)" "Supplementary allowance" means an allowance, in respect of expenses, for each day of Long Service Leave actually taken at a rate fixed by the Standing Committee of General Synod; until the Standing Committee of General Synod otherwise determines by resolution it shall be deemed that the rate so fixed is the rate of 35 1/2 per centum of 1/365 part of the notional stipend."

- (4) by inserting in Section 7. (1) after "paid in respect of that period" the following:

"and excluding any amount by way of supplementary allowance except in respect of leave actually taken."

- (5) by inserting in Section 7. (2) (a) after "not been taken" the following:

"provided that in determining a sum payable pursuant to this paragraph no account shall be taken of a supplementary allowance".

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- (6) by inserting after sub-section 7. (2) the following:

"(2A) When the qualifying service of a clergyman terminates by reason of any fact other than his death and

- (a) the clergyman does not give notice to the Board pursuant to sub-section 2 (a), and
- (b) the period of the qualifying service of the clergyman (including the period of any employment deemed for the purposes of this canon to be qualifying service) is insufficient for any sum to be payable to him under this canon,

then the qualifying service of the clergyman shall be deemed not to be terminated but to be suspended and upon his resuming qualifying service (including employment deemed to be qualifying service) so much of the period of that qualifying service as was a period in respect of which contributions were paid in respect of him, and those contributions, shall be taken into account for the purposes of this canon".

- (7) by inserting in Section 7. (4) after "of that leave" the following:

"and where the person has given notice pursuant to sub-section (2) (a), a sum equal to the supplementary allowance payable to a clergyman pursuant to paragraph (i) of Section 8 where a clergyman actually enters upon such a period of long service leave."

- (8) by inserting in paragraph (i) of Section 8 after "ordinary stipend" the following:

"together with a supplementary allowance where applicable".

- (9) by omitting paragraph (ii) of Section 8 and substituting the following:

"(ii) the Board shall pay to the diocese in which he was serving immediately before he entered upon the leave

- (a) a sum equal to so much of the notional annual stipend as is apportionable to that period of leave, and
- (b) a sum equal to the supplementary allowance

and the diocese shall where the ordinary stipend of the clergyman is not paid by the diocese itself remit those sums to the parish institution or organisation by which such stipend is paid."

- (10) by inserting in Section 9 after "period of that leave" the following:

" and a corresponding supplementary allowance."

- (11) by inserting before the Heading "Part III: LONG SERVICE LEAVE FUND", the following:

PART IIA; PARTICIPATING ORGANISATIONS

12A. (1) Provided it is so agreed in writing between the Board and the participating organisation, a participating organisation may make contributions to the Fund on the account of any clergyman who is employed by the organisation, such contributions being of the amount and made at the times which would be appropriate if that person were a clergyman rendering qualifying service in a participating diocese and the participating organisation were that diocese.

(2) Where contributions are duly made to the Fund on the account of a person pursuant to subsection (1) then, at the discretion of the Board -

(a) the period of employment in respect of which such contributions are made may be deemed to be qualifying service;

(b) the participating organisation may be deemed to be a participating diocese;

(c) payments may be made from the Fund by the Board to the person employed by the participating organisation or, in the case of death, to such other person as the Board determines, of such amounts and at such times as would in like circumstances be payable if the person's employment were qualifying service rendered in a participating diocese and the participating organisation were that diocese; and

(d) where the person enters on long service leave in accordance with some provision of the civil law or in accordance with the terms and conditions of his employment by the participating organisation, the Board may pay to the participating organisation such amount as would be payable to a participating diocese if at the time of entry on that long service leave the person were a clergyman serving in a participating diocese and entering on long service leave under this canon; upon such payment being made the liability of the Fund in respect of that person shall to the extent of that payment be discharged.

(12) by omitting from Section 17 the expression "thirty (30) days" and substituting "fourteen (14) days".

3. This canon shall come into effect on a date to be fixed by the Standing Committee of General Synod PROVIDED THAT it shall have first been adopted by a least three-quarters of the diocesan synods of this Church including the dioceses of all the metropolitan sees.

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.


Chairman of Committees

I hereby certify that this Ordinance was passed by Synod on the 13th day