

LONG SERVICE LEAVE CANON AMENDMENT CANON 1995

ADOPTING ORDINANCE 1995

No. 8 OF 1995

AN ORDINANCE

To adopt the Long Service Leave Canon Amendment Canon 1995 being a General Synod Canon to amend the Long Service Leave Canon No. 8 1992 and to make provision for Lay membership and for other purposes.

PREAMBLE

WHEREAS it is desirable that the Long Service Leave Amendment Canon 1995 of the 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 Amendment Canon 1995, Adopting Ordinance 1995".

ASSENT

2. The Long Service Leave Canon Amendment Canon 1995 as set out in the Schedule hereto is hereby adopted.

THE SCHEDULE

Canon No. 6, 1995

A Canon to amend the Long Service Leave Canon No. 8 1992 and to make provision for Lay membership and for other purposes.

The General Synod prescribes as follows:-

Title

1. (1) This Canon may be cited as the "Long Service Leave Canon (Amendment) 1995".
(2) The Long Service Leave Canon No. 8 1992 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 1992 - 1995.

Commencement

2. (1) This Canon comes into operation on the first day of January next following the receipt by the General Secretary of General Synod of notices that it has been adopted by the Synods of each of the dioceses that are participating dioceses under the principal Canon (in the principal Canon called "the date of commencement").
(2) When the General Secretary of General Synod has received the necessary notices of adoption for the purpose of sub-section (2)(a), the General Secretary of General Synod shall notify each diocese of the date on which the Long Service Leave Canon 1992 - 1995 will commence.

Amendment

3. The principal canon is amended -

(a) by inserting in Section 4 the following:

" "Eligible Member" means -

(i) a member of the clergy; or

(ii) a person employed by a participating diocese or participating organisation who:

(a) with the consent of the Board is nominated as an eligible member by the participating diocese or participating organisation; or

(b) is a member of a class of people defined with the consent of the Board as eligible members by the participating diocese or participating organisation;

for the purposes of this Canon;"

(b) by deleting from sub-paragraph (iii) of the definition of "Service" in Section 4 all the words after the word "organisation".

(c) by deleting Section 36(2);

(d) by inserting as Section 48A the following:-

" Payment to Another Fund

48A. (1) Where the participating diocese or organisation which contributes in respect of an eligible member gives notice to the Board under this section then at the expiration of three months from the date of giving notice the Board is empowered to exercise its discretion under sub-section 48A(2) as if the eligible member had resigned at the expiration of the period of three months.

(2) Where an eligible member resigns and the Board satisfies itself -

~~(a) that the member intends to continue or resume employment under conditions of employment where contributions are to be made to another fund or organisation whose constitution and rules for the payment of benefits are similar to those of the Fund ("the other Fund"); and~~

(b) that employment is, or will become, available to the member to take up;

the Board in its discretion, exercisable at any time before payment is made under this Part, may decide that this section applies, whether or not the member has completed 10 years of qualifying service.

(3) If the Board decides that this section applies section 48 does not.

(4) Where this section applies and -

(a) the eligible member has completed 10 years or more of qualifying service; or

(b) the eligible member had not completed 10 years of qualifying service but has completed a period of less than 10 years qualifying service fixed under section 37(3);

the Board must pay the amount payable under this section either to the other fund or to the member, as the Board sees fit.

- (5) Where this section applies but the eligible member has not completed 10 years or more of qualifying service or a period of less than 10 years qualifying service fixed under section 37(3), the Board at its sole discretion may fix the member's completed service as qualifying service under section 37(3), and must pay the amount payable under this section to the other fund.
- (6) The amount payable under this section is an amount equal to 1/52nd proportion of the notional stipend current at the date of resignation for each full year of qualifying service rendered together with a proportionate payment for any incomplete year of qualifying service rendered but does not include a supplementary allowance.
- (7) The Board may at any time before payment is made under this section revoke its decision, in which case this section no longer applies and section 48 once again applies."

- (e) (i) by substituting "eligible member" for "member of the clergy" in sections 15, 29, 31, 33, 35, 36, 37, 38, 39, 41, 43, 45, 46, 47, 48 and 49, and in the definitions of "Ordinary Stipend" and "Service" in sub-section 4(1) and where appropriate amending the accompanying indefinite article "a" to "an"; and
- (ii) by substituting "eligible members" for "members of the clergy" in sections 42 and 44.

We certify that this bill was passed by the General Synod of the Anglican Church of Australia this 3rd day of July 1995.

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M.F. HORTON

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B.J. GREAVES


Secretaries of Synod

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



Chairman of Committees

I certify that this Ordinance was passed by Synod on the twenty seventh day of August, 1995.



Registrar

I assent to this Ordinance.



Bishop