

LONG SERVICE LEAVE (AMENDMENT) CANON 1973ADOPTING ORDINANCE 1974AN ORDINANCE

TO adopt the Long Service Leave (Amendment) Canon 1973

PREAMBLE

WHEREAS it is desirable that the Long Service Leave (Amendment) Canon 1973 of General Synod of the Church of England in Australia should be adopted by the Diocese of Grafton

THEREFORE the Bishop Clergy and Laity of the Diocese of Grafton in Synod assembled decree ordain and enact as follows:

SHORT TITLE

1. This Ordinance may be cited as the "Long Service Leave (Amendment) Canon 1973 Adopting Ordinance 1974"

ADOPTION

2. The Long Service Leave (Amendment) Canon 1973 which is set out in the Schedule hereto is hereby adopted and shall apply within the Diocese of Grafton as an Ordinance of the Synod of the Diocese of Grafton.

THE SCHEDULE

No. 8, 1973

**A CANON TO AMEND THE LONG SERVICE LEAVE
CANON 1966-1969 AND TO PROVIDE FOR LONG SERVICE
LEAVE FOR DEACONESSES**

The General Synod prescribes as follows:—

1. (a) This Canon may be cited as "Long Service Leave (Amendment) Canon 1973".
- (b) The Long Service Leave Canon 1966-1969 is in this Canon referred to as "the Principal Canon".
- (c) The Principal Canon as amended by this Canon may be cited as "Long Service Leave Canon 1966-1973".
2. The Principal Canon is amended—
 - (a) by adding to the end of paragraph (b) of section one the words 'In any diocese the synod of which shall so resolve 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';
 - (b) by omitting from paragraph (f) of section one the word 'clergyman' and inserting in lieu thereof the words 'bishop priest or deacon';
 - (c) by adding at the end of paragraph (f) of section one the words 'and in relation to a person licensed to exercise the office of Deaconess means salary at the rate paid to her immediately preceding the date on which she enters or is deemed to enter upon long service leave as the case may require';
 - (d) by inserting at the end of section one the following paragraph:
 - (k) In this Canon where the sense so requires the masculine shall include the feminine;
 - (e) by omitting Sub-section (a) of Section four and by inserting in lieu thereof the following Sub-section:

(a) "Qualifying service" means:

(i) Service at any time whether before or after Parts II and III of this Canon came into force--

(a) In a diocese the Synod of which resolved before or within twelve months after the coming into force of those Parts that the diocese participate in the scheme of the Canon; and

(b) In that part of the Diocese of Carpentaria which became the Diocese of the Northern Territory by virtue of The Diocese of the Northern Territory Formation Canon of 1966; and

(ii) Service in any other diocese at any time after that diocese has become a participating diocese;

(f) by adding to the end of sub-paragraph (iv) of paragraph (b) of section four the following words:

"Provided however that this sub-paragraph (iv) shall not apply in calculating the length of qualifying service of any clergyman who has made application in accordance with Section 7A of this Canon or of any person who has elected to continue within the scheme in accordance with paragraph (b) of sub-section (2) of Section 7 of this Canon;

(g) by omitting Section seven and inserting in lieu thereof the following Sections:

7. (1) When the qualifying service of a clergyman has terminated by reason of his death and long service leave to which he was entitled has not been taken, he shall be deemed, for the purpose only of determining the sums, if any, payable under this Canon, to have entered upon long service leave on the date of his death and the moneys which thereupon become payable under Section 8 or Section 9 of this Canon in respect of the period of that leave (less any amount already paid in respect of that period) are payable, as provided in whichever of these Sections is applicable to such person or persons as the Board determines.

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

(a) if the clergyman does not within one month before, or three months after, the date of that termination, give to the Board notice in writing that he elects to continue within the scheme of this Canon, he shall on the expiration of three months after the date of termination be deemed, for the purpose only of determining the sum, if any payable under this Canon, to have entered upon the period of long service leave to which he had immediately before the termination of his service, become entitled but which has not been taken;

(b) if a person elects to continue within the scheme of this Canon as provided in paragraph (a) of this sub-section, he shall be deemed to continue rendering qualifying service as from the date of termination of his actual qualifying service so long as contributions are paid to the Fund on his account of such amounts and at such times as would be due if he were rendering actual qualifying service.

- (3) A person who is deemed to continue rendering qualifying service as provided in this Section shall be deemed to enter upon long service leave to which he would have become entitled by virtue of his actual and notional qualifying service--
- (a) On his giving to the Board notice in writing of his desire to be deemed to do so;
 - (b) upon any of the contributions to the Fund on his account remaining unpaid for a period of one month after they became payable;
 - (c) on his giving to the Board notice in writing of his desire to withdraw from the scheme of this Canon; or
 - (d) on his death;
- whichever first occurs.
- (4) Where a person is deemed to have entered upon long service leave in accordance with sub-section (3) of this Section, there shall be payable out of the Fund in the case of his death, to such person or persons as the Board shall determine and, in any other case, to the person himself a sum equal to so much of the notional annual stipend as is apportionable to the period of that leave.
- 7A. When a clergyman has begun to render qualifying service, or, having previously rendered qualifying service, has resumed rendering qualifying service on a particular date, he may make application to the Board to be deemed to have begun or to have resumed as the case may be rendering that service on an earlier date and the Board, acting upon actuarial advice, may determine a date from which and conditions (including conditions as to payment of contributions in respect of the period between the lastmentioned date and the first-mentioned date) subject to which the applicant shall be deemed to have begun or resumed rendering qualifying service as the case may be.
- (h) by omitting Section eighteen and inserting in lieu thereof the following new Section:
- '18. For the purposes of this Canon the notional annual stipend shall be in respect of each category of clergyman specified in the Determination such sum per annum as the Standing Committee of General Synod may from time to time determine and any rate so determined shall be effective from the then next first day of January.'
- (i) by omitting from Section twenty-one the word 'clergyman' and inserting in lieu thereof the words 'members of the House of Clergy'.
- (j) by omitting from Section twenty-one the word 'laymen' and inserting in lieu thereof the words 'members of the House of Laity'.

(3) A person who is deemed to continue rendering qualifying service as provided in this Section shall be deemed to enter upon long service leave to which he would have become entitled by virtue of his actual and notional qualifying service--

- (a) On his giving to the Board notice in writing of his desire to be deemed to do so;
 - (b) upon any of the contributions to the Fund on his account remaining unpaid for a period of one month after they became payable;
 - (c) on his giving to the Board notice in writing of his desire to withdraw from the scheme of this Canon; or
 - (d) on his death;
- whichever first occurs.

(4) Where a person is deemed to have entered upon long service leave in accordance with sub-section (3) of this Section, there shall be payable out of the Fund in the case of his death, to such person or persons as the Board shall determine and, in any other case, to the person himself a sum equal to so much of the notional annual stipend as is apportionable to the period of that leave.

7A. When a clergyman has begun to render qualifying service, or, having previously rendered qualifying service, has resumed rendering qualifying service on a particular date, he may make application to the Board to be deemed to have begun or to have resumed as the case may be rendering that service on an earlier date and the Board, acting upon actuarial advice, may determine a date from which and conditions (including conditions as to payment of contributions in respect of the period between the lastmentioned date and the first-mentioned date) subject to which the applicant shall be deemed to have begun or resumed rendering qualifying service as the case may be.

(h) by omitting Section eighteen and inserting in lieu thereof the following new Section:

'18. For the purposes of this Canon the notional annual stipend shall be in respect of each

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

J. S. Seach
.....
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Grafton on the day of September, 1974.

W. C. Doak
.....
Clerical Secretary

M. C. Harrison
.....
Lay Secretary

I assent to this Ordinance.

[Signature]
.....
Bishop