

THE LONG SERVICE LEAVE ORDINANCE 1968

AN ORDINANCE

TO provide long service leave for clergymen serving in the Diocese of Grafton.

PREAMBLE

WHEREAS the "Long Service Leave Canon 1966" of General Synod of the Church of England in Australia (hereinafter called the Canon) established a long service leave scheme (hereinafter called the Scheme) and prescribed the entitlement of clergymen serving in a diocese and the obligations of a diocese which resolves to participate in the Scheme

AND WHEREAS it is expedient to participate in the Scheme and to make provision for the operation of the Scheme within the Diocese and other matters relating thereto

BE IT THEREFORE ENACTED by the Synod of the Diocese of Grafton on the twenty-first day of October 1968 as follows:

SHORT TITLE

1. This Ordinance may be cited as "The Long Service Leave Ordinance 1968."

PARTICIPATION IN THE SCHEME

2. The Diocese of Grafton shall participate in the Scheme as a "Participating Diocese" as defined in the Canon.
3. Clergymen serving in the Diocese shall be entitled to the long service leave and the Diocese and all institutions and organisations within the Diocese shall fulfil the obligations prescribed by the Canon.

ADMINISTRATION

4. The Bishop-in-Council shall administer and control the Scheme within the Diocese either directly or through a committee appointed by it with such delegated authority as it thinks fit.

CONTRIBUTIONS

5. The Parish institution or organisation responsible for the payment of the stipend of any clergyman rendering qualifying service within the Diocese shall pay to the Diocesan Registrar on account of each such clergyman the contribution prescribed by Section 15 of the Canon and such other amount (if any) as may be determined by Synod or the Bishop-in-Council from time to time by monthly instalments when paying superannuation contributions and pledges.
6. In the event of contributions under the preceding Clause being in arrears when payment is due to the Long Service Leave Fund established by the Canon the deficiency shall be made up by the Diocese and the amount contributed by the Diocese shall be a debt owing by the institution or organisation concerned payable to the Diocese on demand.

PAYMENTS

7. The Bishop-in-Council shall receive all amounts due from the Long Service Leave Fund and upon receipt thereof pay the same to the institution or organisation responsible for the payment of the stipend of the clergyman in respect to whom the payment shall have been received.

ADDITIONAL BENEFITS

8. In addition to the ordinary stipend as set out in Clause 2 of the Canon a clergyman on long service leave shall be entitled to receive from the institution or organisation responsible for the payment of his stipend that part of his travelling allowance covering depreciation, insurance and registration of his vehicle. The contributions to his superannuation shall be maintained. He shall not be entitled to any hospitality or other allowances except with the consent of the Bishop-in-Council and the institution or organisation responsible for the payment thereof.

PRIORITY IN TAKING LEAVE

9. A clergyman entitled to long service leave may apply to the Bishop-in-Council stating the date from which he desires it to commence and making such representations as he thinks fit. The Bishop-in-Council shall determine the order in which applicants are entitled to long service leave and the date from which leave applied for is to be taken having regard to all the circumstances in respect to the application or applications before it. No clergyman shall be required to take long service leave at any time not suitable to him and it may be accumulated until his retirement.

RELIEVING CLERGYMAN

10. The appointment of a relieving clergyman during any period of long service leave shall be by the Bishop and the Rector of the parish concerned in consultation with the patronage committee of the parish. The Bishop shall appoint relief for those clergymen whom he usually appoints.
11. The parish institution or organisation responsible for the payment of the stipend of a clergyman on long service leave shall pay the stipend of the relieving clergyman, provide him with a residence or other suitable accommodation and make arrangements regarding his travelling, and other allowances. The rectory, vicarage or other clergy residence usually occupied by the clergyman on leave shall not be used without his consent, ~~and then only on such conditions as may be imposed by him.~~ *Ad.*

ANNUAL LEAVE

12. "Annual Holidays" referred to in Clause 6 of the Canon shall, as applied to the Diocese of Grafton, mean the period of three weeks annual leave of absence to which clergymen are entitled under the Parochial Ordinance 1936-50 Clause 45 or any amendment thereto. Any leave of absence due to a clergyman shall be in addition to long service leave and may be taken at the beginning or end thereof.

REGULATIONS

13. The Bishop-in-Council shall have power and is hereby authorised to make rules and regulations relating to the control, management and operation of the Scheme within the Diocese not inconsistent with the Canon or this Ordinance. Such rules and regulations shall be laid before the next session of Synod which may review the same without invalidating nor affecting anything done or contracted to be done thereunder before the review.

REPORT

14. The Bishop-in-Council shall submit a report to each general session of Synod on the operation of the Scheme within the Diocese.

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



Chairman of Committees

We certify that this Ordinance was passed by the Synod of the Diocese of Grafton on the Twenty-first day of October, 1968.

Clerical Secretary Canon J. Winstanley

Lay Secretary Chaele Hanson

I assent to this Ordinance



A CANON TO MAKE PROVISIONS ENTITLING CLERGYMEN SERVING IN THE CHURCH
OF ENGLAND IN AUSTRALIA TO LONG SERVICE LEAVE: AND FOR PURPOSES
CONNECTED THEREWITH

The General Synod prescribes as follows:

PART I: INTERPRETATION

1. In this Canon unless the context otherwise requires -
 - (a) "The Board" means the Long Service Leave Board constituted under Part IV of this Canon.
 - (b) "Clergyman" means a person licensed by the bishop of a diocese to the cure of souls in a parish or licensed to be assistant curate in a parish such person being in deacons' or priests' orders. This definition shall extend to 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 and holding the licence of the bishop of the diocese.
 - (c) "The Fund" means the Long Service Leave Fund established under this Canon.
 - (d) "Leave" means Long Service Leave under this Canon.
 - (e) "Notional annual stipend" means notional annual stipend within the meaning of section 18 of this Canon.
 - (f) "Ordinary stipend" in relation to any clergyman means stipend at the rate paid to him immediately preceding the date on which he enters or is deemed to enter upon long service leave as the case may require.
 - (g) "Parish" includes a parochial district provisional parish provisional district mission district or similar ecclesiastical division.
 - (h) "Participating diocese" means a diocese the Synod of which resolves before the expiration of the twelve months next following the coming into force of Parts II and III of this Canon that the diocese participate in the scheme of this Canon or which after the expiration of that period is admitted under Part V of this Canon to be a participating diocese.
 - (i) "Qualifying Service" means qualifying service within the meaning of Section 4 of this Canon.
 - (j) "Service" means service in a full time capacity as a clergyman in any diocese of the Church of England in Australia including any period during such service of annual holiday leave and including any period of long service leave under this Canon and "serve" and "serving" have corresponding meanings.

PART II: LONG SERVICE LEAVE

2. Except as otherwise provided in this Canon every clergyman serving in a participating diocese shall be entitled to long service leave on his ordinary stipend.
3. The amount of long service leave to which a clergyman shall be so entitled shall be:
 - (a) on the completion of each period of fifteen years qualifying service thirteen weeks long service leave,
 - (b) in the case of a clergyman who has completed a period in excess of fifteen years of qualifying service not being a multiple of fifteen years of such service and whose qualifying service terminates for any reason such amount of long service leave as equals one-sixtieth of the period of his qualifying service since he last became entitled to long service leave under paragraph (a) of this section,
 - (c) in the case of a clergyman who has completed at least ten but less than fifteen years of qualifying service and whose qualifying service terminates for any reason such amount of long service leave as equals one-sixtieth of the period of his qualifying service.

4. (a) "Qualifying service" means service at any time whether before or after any part of this Canon comes into force in a diocese/the synod of which resolves before or within twelve months after the coming into force of Parts II and III of this Canon that the diocese participate in the scheme of the Canon and service in any other diocese at any time after that diocese has become a participating diocese PROVIDED that where a clergyman becomes absent from a diocese which at the commencement of his absence is a participating diocese in which he has rendered qualifying service and the clergyman within three months of that commencement gives to the Board written notice that he elects to continue within the Scheme of this Canon he shall be deemed to be rendering service, which is 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 qualifying service in that diocese.
- (b) Notwithstanding any other provisions of this Canon in calculating the length of qualifying service of any clergyman the following shall not be taken into account -
- (i) any excess over fifteen years service rendered before Parts II and III of this Canon come into force,
 - (ii) any service rendered after Parts II and III come into force in respect of which the contributions mentioned in Part III hereof have not been paid,
 - (iii) any period of service in respect of which leave has been taken or payment made under the provisions of this Canon or of any other long service leave scheme,
 - (iv) any period of service which is taken into account under any Act of any Parliament award or industrial agreement in calculating an entitlement to leave in the nature of long service leave or payment in lieu of such leave whether the Act award or industrial agreement is made before or after any Part of this Canon comes into force.
5. Subject to Section 7 of this Canon where a clergyman has become entitled to long service leave under this Canon such leave shall be given and the clergyman shall take the leave:
- (a) where the clergyman is serving in a participating diocese as soon as practicable having regard to the needs of the diocese in which he is serving provided that after an entitlement to leave has accrued to the diocese and the clergyman may agree that the taking of the leave be postponed until an agreed date,
 - (b) where the clergyman is not serving in a participating diocese as soon as practicable having regard to the needs of the Church but at such times as to the Board shall in all the circumstances seem fit,
 - (c) in one continuous period or if the clergyman and the diocese so agree in the following separate periods and not otherwise -
 - (i) where the amount of the leave is thirteen weeks in two separate periods,
 - (ii) where the amount of the leave exceeds thirteen weeks and does not exceed nineteen and one half weeks in two or three separate periods,
 - (iii) where the amount of the leave exceeds nineteen and one half weeks in two three or four separate periods.
6. Long service leave taken under this Canon shall be exclusive of annual holidays but shall be inclusive of all other holidays occurring during the leave.
7. Where the service of a clergyman terminates whether by his death or otherwise and
- (i) any long service leave to which the clergyman was entitled has not been taken, or

- (ii) any entitlement to long service leave accrues to the clergyman upon such termination

the clergyman shall be deemed for the purpose only of determining the sum, if any, payable to him under this Canon to have entered upon the leave on the date of such termination and the moneys payable to him 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 the period during which he is so deemed to be on leave) shall thereupon be payable to him or where the service terminates by his death to such person or persons as the Board may determine PROVIDED that where such termination occurs by reason only of the absence of the clergyman from a participating diocese the clergyman shall be deemed to enter upon that leave

- (a) if the Board receives no prior notice of an election under the proviso to paragraph (a) of section 4 of this Canon upon the expiration of three months from the commencement of that absence,
- (b) if the Board receives notice in writing from the clergyman under that proviso that he elects to continue within the scheme of this Canon upon default for a period of one calendar month in the due payment of contributions under the proviso, or
- (c) if the Board receives notice in writing from the clergyman that he elects not to continue within the scheme of this Canon upon receipt of that notice.
8. Where a clergyman whose ordinary stipend is paid by a participating diocese or by a parish institution or organisation in a participating diocese enters upon a period of long service leave
- X (i) the clergyman shall be paid his ordinary stipend in respect of that period of leave either
- (a) in full when he enters upon the leave, or
- (b) at the time or times at which his stipend would have been paid if he had not taken leave,
- (ii) the Board shall pay to the diocese in which he was serving immediately before he entered upon the leave a sum equal to so much of the notional annual stipend as is apportionable to that period of leave and the diocese shall where the ordinary stipend of the clergyman is not paid by the diocese itself remit that sum to the parish institution or organisation by which such stipend is paid.
9. Where a clergyman whose ordinary stipend is not paid by a participating diocese or by a parish institution or organisation in a participating diocese enters upon a period of long service leave the Board shall pay to the clergyman so much of the notional annual stipend as is apportionable to the period of that leave PROVIDED that the Board may make such payment conditional upon such clergyman entering into an agreement with it relating to the acceptance by the clergyman of other payments in the nature of stipend salary or wages or the like which to the Board (subject to any direction of the diocese concerned) seems proper.
10. Except as provided in this part payments shall not be made to a clergyman in lieu of any long service leave to which the clergyman is entitled under this Canon nor shall any such payment be accepted by the clergyman.
11. The Diocese concerned shall unless the clergyman otherwise agrees give to each clergyman at least three months' notice of the date from which it is proposed that the clergyman's long service leave shall be given and taken.
12. The diocese concerned shall determine the order in which clergymen entitled to long service leave shall take that leave but in determining that order shall ordinarily give priority to those who have rendered the longest qualifying service.

PART III: LONG SERVICE LEAVE FUND

13. There shall be a Fund called the Long Service Leave Fund for the purposes of this Canon which shall be managed by the Board.
14. Every parish institution and organisation in a participating diocese which is responsible for the payment of the stipend of any clergyman rendering qualifying service in that diocese shall subject to any determination of the Diocese to the contrary pay to the proper officer of the diocese in respect of each week during which it is so responsible an amount equal to one fifty-second part of the annual contribution fixed under the next succeeding section of this Part.
15. The annual contribution for the purpose of this Canon shall be three per centum of the notional annual stipend PROVIDED that General Synod or, subject to any direction of the said Synod, its Standing Committee may from time to time fix some other amount which shall be the annual contribution from the then next first day of January.
16. Each amount payable to a diocese under section 14 of this Canon shall be payable at such times and in such manner as the diocese shall prescribe.
17. Each participating diocese shall pay to the Fund within thirty (30) days of the last day of the months of March June September and December in each year in respect of each clergyman who has rendered qualifying service in that diocese during the whole or any part of the quarter ending on that day a contribution equal to so much of the notional annual stipend as is apportionable to the number of completed weeks of his qualifying service so rendered during the quarter.
18. For the purposes of this Canon the notional annual stipend for any calendar year shall be two thousand four hundred dollars (\$2,400) per annum provided that General Synod, or subject to any direction of the said Synod, its Standing Committee may from time to time fix some other sum per annum as the notional annual stipend and any rate so fixed shall be effective from the then next first day of January.

3 months base = \$600

PART IV: THE BOARD

19. For the purposes of this Canon there shall be a Board called the Long Service leave Board.
20. The first members of the Board shall be a bishop, two clergymen and four laymen appointed from among the members of Synod by resolution of Synod made at the session of General Synod at which this Canon is passed and they shall hold office subject to this Canon until members of the Board are elected under the next succeeding section.
21. At each ordinary session of General Synod following the session at which this Canon is passed seven members of the Board shall be elected, namely:
 - (a) one bishop to be elected by the House of Bishops and
 - (b) two clergymen to be elected by the House of Clergy and
 - (c) four laymen to be elected by the House of Laityand they shall hold office subject to this Canon until their successors are elected.
22. A member of the Board shall cease to hold office if he
 - (i) resign, or
 - (ii) die, or
 - (iii) be declared by any competent court incapable of managing his affairs, or
 - (iv) cease to reside permanently in a participating diocese, or
 - (v) fail to attend three successive meetings of the Board without leave of the Board, or
 - (vi) be retired by resolution of the Standing Committee of General Synod.

23. Each member of the Board appointed or elected after Parts II and III of the Canon come into force shall be the bishop of or a representative in General Synod of a participating diocese.
24. The Standing Committee may appoint a duly qualified member of General Synod to fill any casual vacancy on the Board and the person or persons so appointed shall hold office until the then next following election of members of the Board.
25. A quorum of the Board shall be four members.
26. During any vacancy in the Board the continuing members subject to there being a quorum may act as if no vacancy existed.
27. Subject to the direction (if any) of General Synod or its Standing Committee the Board may invest the whole or any part of the Fund in such names in such manner and subject to such conditions as the Board in its sole discretion may determine.
28. The Board shall have power to take such steps as it may deem expedient for the registration and incorporation of the Board or the Fund in all or any of the States of the Commonwealth of Australia or in the Australian Capital Territory, and, if necessary, to apply for all or any Act or Acts of Parliament as they may be advised are necessary to obtain and secure such registration and incorporation.
29. The expenses of the Board and of the management of the Fund shall be a first charge on the Fund; subject thereto the Fund shall be applied by the Board to the purposes of this Canon.
30. The Board shall have power to appoint all necessary officers to define their duties and fix their remuneration if any and to make rules and regulations in respect to matters not provided for in this Canon and not repugnant to its provisions. On the first day of the ordinary session of General Synod next following the making of any such rules or regulations a copy of the same shall be laid before the Synod and it shall be lawful for the Synod at that or any subsequent session thereafter to disallow all or any of them, PROVIDED that such disallowance by Synod shall not invalidate nor affect anything done or contracted to be done under any rule or regulation before its disallowance.
31. The Board shall once at least in every year submit a report of the operations of the scheme to the Standing Committee of General Synod and to the bishop and registrar of every diocese and shall submit such a report to each ordinary session of General Synod.
32. The Board shall cause an actuarial investigation of the Fund to be conducted at intervals of not more than five years.

PART V: GENERAL

33. Parts 11 and 111 of this Canon shall come into force on a date to be determined by the Standing Committee of General Synod but not before the Synods of eight dioceses including at least two metropolitan dioceses have resolved that their respective dioceses participate in the scheme of the Canon.
34. At any time after the expiration of the twelve months next following the coming into force of Parts 11 and 111 of the Canon the Board may admit to be a participating diocese upon such terms and conditions as the Board with the advice of its Actuary may determine any diocese which is not then a participating diocese the Synod of which has resolved that the diocese participate in the scheme of the Canon.
35. This Canon may be cited as the "Long Service Leave Canon 1966".