

Assistant Ministers Ordinance 1990

(Reprinted under the Interpretation Ordinance 1985.)

The Assistant Ministers Ordinance 1990 as amended by the Assistant Ministers Ordinance 1990 Amendment Ordinance 2000.

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Long Title

An Ordinance to provide for tenure of office of assistant ministers.

Preamble

Whereas it is expedient to repeal the Deacons Ordinance 1988 and to make further provision for the tenure of deacons and priests appointed to assist ministers of parishes.

NOW the Synod of the Diocese of Sydney ordains as follows -

Citation

1. This Ordinance may be cited as the "Assistant Ministers Ordinance 1990".

Definition of terms

2. (1) A word or an expression defined in clause 1 of the Deaconesses, Readers and Other Lay Persons Ordinance 1981 shall have the same meaning where used in this Ordinance.

(2) In this Ordinance -

"assistant minister" means a deacon or priest licensed or authorised by the Archbishop to the office of assistant minister in a parish and does not include a senior assistant minister;

"senior assistant minister" means -

(a) a deacon or priest who has served -

- (i) as an assistant minister in the Diocese; or
- (ii) in an equivalent office in another Diocese,

for a period of at least 4 years or periods, which in aggregate, total at least 4 years and who is licensed or authorised by the Archbishop, at the request of the minister and the parish council of the parish, to the office of senior assistant minister in the parish; or

(b) a deacon or priest who has served -

- (i) as a minister in the Diocese; or
- (ii) in an equivalent office in another Diocese,

who is licensed or authorised by the Archbishop, at the request of the minister and the parish council of the parish, to the office of senior assistant minister in the parish.

Tenure

3. (1) An assistant minister or a senior assistant minister holds office subject to -

- (a) the terms of his or her licence or authority; and
- (b) where the assistant minister or the senior assistant minister is entitled to or is paid a stipend or is entitled to any other emolument or perquisite - due notice of the termination of the payment of such stipend or entitlement to such emolument or perquisite given by or on behalf of the person or persons who pay or provide the same.

(2) For the purposes of clause 3(1)(b) notice is due notice if -

- (a) in the case of an assistant minister, the period of notice is at least 3 months; and
- (b) in the case of a senior assistant minister, the period of notice is the longest of -
 - (i) 3 months; or

- (ii) the period of notice, to a maximum period of 9 months, calculated at the rate of one month's notice for each year (or part thereof) of continuous service as assistant minister or senior assistant minister, or both, in that parish; or
 - (iii) such other period of notice, if any, (not being less than 3 months), which, at the time the senior assistant minister was licensed or authorised as senior assistant minister, was agreed for the purposes of this clause between the senior assistant minister and -
 - (A) the Archbishop; and
 - (B) the minister of the parish; and
 - (C) the parish council of the parish; and
 - (D) if the person or persons who pay or provide the stipend or other emolument or perquisite is not or are not the minister of the parish or the parish council of the parish - the person or persons who pay or provide the same.
- (3) Notice must not be given to a senior assistant minister under clause 3(1)(b) -
- (a) without prior consultation with the parish council of the parish to which the senior assistant minister is licensed or authorised; or
 - (b) during the period of 3 months after the date on which a new minister is licensed or appointed to the parish.

Responsibility of parish council

4. Where an assistant minister or senior assistant minister is appointed to assist the minister in a parish with the assent of the parish council thereof, it is the responsibility of that parish council to raise such moneys as may be needed to pay the stipend and provide any other emoluments or perquisites, other than surplice fees, to be paid or provided for the assistant minister or senior assistant minister until the appointment is terminated.

Undertaking by minister

5. Nothing in this Ordinance prevents the Archbishop from requiring an undertaking of the minister whom the assistant minister or senior assistant minister will assist concerning the work to be undertaken by the assistant minister or the senior assistant minister, as the case may be, or any other matter relating to the office to be exercised by the assistant minister or the senior assistant minister, as the case may be.

Procedure on occurrence of vacancy

6. (1) Should a vacancy occur in a parish an assistant minister ceases to hold office in that parish on the 90th day after the new minister is licensed to that parish unless -

- (a) the assistant minister has resigned or terminated the appointment within the 90 days; or
- (b) the new minister has applied to the Archbishop for continuation of the assistant minister's licence or authority and an appropriate agreement has been entered into between the new minister and the assistant minister.

(2) Subject to clause 3, the term of office of a senior assistant minister does not cease by reason only of a vacancy occurring in the parish or upon a new minister being licensed or appointed to the parish and, in accepting a licence or appointment to the parish, the new minister is taken to have -

- (a) adopted any obligation on the part of a former minister of the parish expressed in the senior assistant minister's licence or authority as if the new minister was named in the licence or authority as the person subject to that obligation; and
- (b) adopted any agreement in relation to the office of the senior assistant minister made between the former minister and the senior assistant minister with the approval of -
 - (i) the Archbishop; and
 - (ii) the parish council of the parish; and
 - (iii) if the senior assistant minister is entitled to or is paid a stipend or is entitled to any other perquisite and the person or persons who pay or provide the same is not or are not the minister of the parish or the parish council of the parish - the person or persons who pay or provide the same.

Repeal of Deacons Ordinance 1988

7. The Deacons Ordinance 1988 is repealed but any action taken under that Ordinance is hereby deemed to have been taken under this Ordinance.

Table of Amendments

Clause 2	Amended by Ordinance No 26, 2000.
Clause 3	Omitted and new clause inserted by Ordinance No 26, 2000.
Clause 4	Amended by Ordinance No 26, 2000.
Clause 5	Amended by Ordinance No 26, 2000.
Clause 6	Amended by Ordinance No 26, 2000.

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31 October 2000