



Long Service Leave Amendment Ordinance 1998

No 33, 1998

An Ordinance to amend the Long Service Leave Ordinance 1973.

The Synod of the Diocese of Sydney Ordains -

Name of Ordinance

1. This Ordinance is the Long Service Leave Amendment Ordinance 1998.

Amendment of the Long Service Leave Ordinance 1973

2. The Long Service Leave Ordinance 1973 is amended as follows -

(a) clause 1(1) is omitted and the following is inserted instead -

“(1) In this Ordinance, unless the context otherwise requires -

‘Act’ means the Long Service Leave Act 1955;

‘Archbishop’ means -

(a) the Archbishop of Sydney; or

(b) if the Archbishop is absent - his Commissary; or

(c) if the See is vacant - the Administrator of the Diocese;

‘Canon’ means the Long Service Leave Canon 1992;

‘Diocese’ means the Diocese of Sydney;

‘financial year’ means a period of 12 months beginning on 1 January in any year;

‘Fund’ means the fund established by this Ordinance;

‘member of the clergy’ means a person who -

(a) is a member of the clergy as defined in section 4 of the Canon; and

(b) is licensed by the Archbishop.

‘Other Service’ means service in the Diocese by a member of the clergy who is licensed by the Archbishop to an office in a parish which is not -

(a) Service; or

(b) service as a worker.

'organisation' means -

(a) Anglican Church Property Trust Diocese of Sydney; and

(b) each body corporate constituted by or under the Anglican Church of Australia (Bodies Corporate) Act 1938 at the instance of the Synod or the Standing Committee; and

(c) each organisation or association regulated by ordinance of the Synod or the Standing Committee; and

(d) each organisation or association regulated by resolution of the Synod; and

(e) every organisation which is declared by resolution of the Standing Committee to be an organisation to which this Ordinance applies, whether in existence on or at any time after the date on which this Ordinance comes into effect.

'parish' means a parish, provisional parish or other ecclesiastical district existing from time to time in the Diocese.

'Service' has the same meaning as in section 4 of the Canon.

'worker' means a person who is a worker as defined in section 3(1) of the Act.";

(b) in clauses 4(1)(a), 4(2)(a) and 13 the word "clergyman" is deleted wherever occurring and the matter "member of the clergy" is inserted instead;

(c) clause 15 is omitted and the following is inserted instead-

"Governing Principles

15. (1) Each member of the clergy who renders Service in the Diocese is entitled to long service leave in accordance with the Canon.

(2) Each member of the clergy who renders Other Service in the Diocese is entitled to long service leave under this Ordinance.

(3) Each worker engaged in the work of the Church in the Diocese is entitled to long service leave under the Act.

(4) For the purposes of determining an entitlement -

(a) Service in the Diocese; and

(b) the continuous provision of Other Service in the Diocese; and

(c) the continuous employment with any parish, parishes, organisation or organisations in the Diocese (being organisations to which this Ordinance applies), shall, to the extent permitted by the Canon, this Ordinance and the Act, be regarded as a single whole period of Service, Other Service or employment, as the case may be.

(d) After clause 15 a new clause 15A is inserted as follows -

"Leave Entitlements for Members of the Clergy who render Other Service

15A. (1) The amount of long service leave to which a member of the clergy who renders Other Service in the Diocese shall be entitled is -

(a) on completion of the first 10 years of continuous Other Service - a period of 10 weeks leave; and

(b) on completion of each subsequent 5 years of continuous Other Service - a period of 5 weeks leave.

(2) Leave may be granted and taken in 1 continuous period or, if the member of the clergy and the parish or organisation to which the Other Service is being provided so agree, in separate periods as follows -

(a) where the amount of the leave exceed 5 weeks but does not exceed 10 weeks, in 2 separate periods; or

(b) where the amount of the leave exceeds 10 weeks, in 2 or 3 separate periods.

(3) Long service leave taken under this clause is exclusive of -

(a) annual holidays; and

(b) public holidays observed generally throughout New South Wales.

(4) Where a member of the clergy becomes entitled to long service leave under this clause the leave must be given and taken as soon as practicable.

(5) Payment for long service leave under this clause shall be calculated by reference to the ordinary pay of the member of the clergy at the date immediately preceding the date on which the long service leave is taken or is deemed to be taken under subclause (6) or (7). For the purposes of this subclause, 'ordinary pay' means the amount of the average weekly stipend or salary earned by the member of the clergy for rendering Other Service during -

(a) the period of 12 months; or

(b) the period of 5 years, ending on the date immediately proceeding the date on which the long service leave is taken or is deemed to be taken under subclause (6) or (7), whichever is the greater.

(6) Where the continuous Other Service of a member of the clergy is terminated, other than by reason of the death of that person and any long service leave to which the person was entitled has not been taken, the person shall be taken to have entered upon the leave from the date of such termination.

(7) Where the Other Service of a member of the clergy terminates by reason of that person's death and any long service leave to which the person was entitled had not been taken, the person's personal representative shall be paid in full the amount that would have been payable to the person in respect of that person's long service leave entitlement.

(8) Except as permitted by this clause, payments must not be made to a person in lieu of any long service leave to which that person is entitled."

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

N.M. CAMERON

Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 12 October 1998.

M.A. PAYNE

C.J. MORONEY

Secretaries of Synod

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

29/10/1998