

Long Service Leave Amendment Ordinance 1998

Explanatory Statement

Introduction

1. The objects of the proposed ordinance are -
 - (a) to provide for long service leave for part time parish clergy; and
 - (b) to make miscellaneous amendments to the Long Service Leave Ordinance 1973 (the "Ordinance").

Background

2. Parish clergy licensed on a part time basis are not presently entitled to long service leave: the Long Service Leave Canon 1992 (the "Canon") does not apply because their service is not full time and the Long Service Leave Act 1955 (the "Act") also does not apply because part time parish clergy are officeholders of the church and are not workers.
3. The proposed ordinance seeks to insert a new clause 15A into the Ordinance to provide for long service leave for parish clergy whose service is not qualifying service for the purposes of the Canon or service as a worker under the Act.
4. Long service leave will be provided on the following basis -
 - (a) On completion of the first 10 years of continuous service on a part time basis ("other service") a period of 10 weeks leave will be available and on completion of each subsequent 5 years of continuous other service, a further 5 weeks leave will be available. These entitlements are the same as full time clergy enjoy under the Canon.
 - (b) Leave may be taken in 2 or 3 separate periods.
 - (c) Leave is exclusive of annual holidays and public holidays observed generally throughout New South Wales.
 - (d) While on leave a member of the clergy will be entitled to be paid by reference to his or her ordinary pay. "Ordinary pay" means the amount of the average weekly stipend or salary earned by the member of the clergy during the period of 12 months or the period of 5 years ending on the date immediately preceding the date on which the long service leave is taken or is deemed to be taken, whichever is the greater.
5. The proposed ordinance also seeks to restate the definitions in clause 1(1) of the Ordinance to provide for greater clarity. Consequential changes in terms will be made in clauses 4 and 13. The restatement of clause 15 is consequential upon the insertion of the new clause 15A.

Recommendation

6. The Standing Committee recommends that the Synod pass the bill as an ordinance.

For and on behalf of the Standing Committee

MARK PAYNE
Diocesan Secretary

14 August 1998