
*General Synod — Long Service Leave Canon 1966-1969
Adopting Ordinance 1969*

No. 37, 1969

AN ORDINANCE for adopting a certain canon of the Church of England in Australia entitled the "Long Service Leave Canon 1966-1969" and for purposes related thereto.

WHEREAS a certain canon being Canon No. 10 was made by the General Synod of the Church of England in Australia on the 27th day of September, 1966, entitled the "Long Service Leave Canon 1966" a copy of which is contained in the First Schedule hereto AND WHEREAS the said Canon was amended by Canon No. 3 made by the General Synod on the 17th day of September, 1969, entitled "Long Service Leave Canon Amendment Canon 1969" a copy of which is contained in the Second Schedule hereto AND WHEREAS the said Canons affect the order and good government of the Church within the Diocese of Sydney AND WHEREAS it is expedient that the said canons should be adopted by the Church in such Diocese AND WHEREAS it is expedient that the Standing Committee of the Synod of the said Diocese should have the management and control of the scheme referred to in the said Canons and be empowered to make rules and regulations related to such scheme and such other matters incidental thereto and not inconsistent therewith NOW the Synod of the Diocese of Sydney HEREBY DECLARES, DIRECTS, ORDAINS AND RULES as follows:—

1. This Ordinance may be cited as the "General Synod — Long Service Leave Canon 1966-1969 Adopting Ordinance 1969".
2. In accordance with the provisions of the Constitution of the Church of England in Australia, this Synod is of the opinion that the provisions of the Long Service Leave Canon 1966-1969 passed by the General Synod of the Church of England in Australia, a copy of which is contained in the First and Second Schedules to this ordinance, affect or are deemed to affect the order and good government of the Church in the Diocese of Sydney.
3. The said Canon is hereby adopted and the provisions thereof shall so far as the same are applicable be applied to the management and government of the Church in this Diocese.
4. It is hereby resolved that the Diocese of Sydney shall participate in the scheme of the Canon as from the 1st January, 1969.
5. The administration and management of the Long Service Leave Scheme referred to in the Canon shall be in the Diocese of Sydney under the control of the Standing Committee of Synod, which is hereby empowered to make rules and regulations for the carrying into effect the provisions of the scheme within the Diocese and of matters incidental thereto and further may in its discretion make rules and regulations in respect of matters not provided for in this Ordinance and not repugnant to its provisions.

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6. In respect of the year ending 31st December, 1969, every parish institution and organisation in the Diocese which is responsible for the payment of a stipend of any clergyman rendering qualifying service in the Diocese in accordance with the scheme in the Canon shall pay to the Standing Committee of Synod by the 30th November, 1969, one-half of the annual contribution as referred to in the Canon, and in respect of the year ending 31st December, 1970, and subsequent years, shall pay one-half (or such other proportion as may be determined by the Standing Committee) in quarterly instalments payable on the fifteenth day of the months of March June September and December in each year.
7. In respect of the year ending 31st December, 1969, the Standing Committee of Synod is hereby empowered to make such arrangements, (including the power to borrow and to make arrangements for the repayment of any sums so borrowed) as it may deem necessary for the payment of one-half of the total amount required by the participation of the Diocese in the scheme in respect of the clergymen involved and to pay such amount, together with amounts received in accordance with clause 6 hereof in respect of such period to the Long Service Leave Board not later than 31st December, 1969, and in respect of the year ending 31st December, 1970, and subsequent years it is hereby determined that such one-half (or such proportion as the Standing Committee may resolve) of such total amount required shall be payable from the surpluses of the Glebe Administration Board or such other source or sources as may be determined by the Standing Committee.

FIRST SCHEDULE
GENERAL SYNOD SESSION 1966 CANON No. 10

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.

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- (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 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 12 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 15 years qualifying service 13 weeks long service leave;
 - (b) in the case of a clergyman who has completed a period in excess of 15 years of qualifying service not being a multiple of 15 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 15 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.

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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 12 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 15 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 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;

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- (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 13 weeks in two separate periods;
 - (ii) where the amount of the leave exceeds 13 weeks and does not exceed 19½ weeks in two or three separate periods;
 - (iii) where the amount of the leave exceeds 19½ 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
 - (i) the clergyman shall be paid his ordinary stipend in respect of that period of leave either,

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- (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 contributions 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

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- 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 next first day of January.

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 Laity and 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

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- (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 II and III of this Canon shall come into force on a date to be determined by the Standing Committee of General Synod but

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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 12 months next following the coming into force of Parts II and III of the Canon the Board may admit to be a participating diocese upon such terms and conditions as the Board with 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".

SECOND SCHEDULE
GENERAL SYNOD SESSION 1969 CANON No. 3

A CANON to amend the Long Service Leave Canon 1966.

WHEREAS it is expedient to amend the Long Service Leave Canon 1966 as hereinafter set out NOW the General Synod PRESCRIBES as follows:

1. The Long Service Leave Canon 1966 is in this Canon referred to as "the principal Canon".
2. This Canon may be cited as "Long Service Leave Canon Amendment Canon 1969".
3. The Principal Canon as amended by this Canon may be cited as the "Long Service Leave Canon 1966-1969".
4. The principal Canon is amended —
 - (a) (i) by inserting in Section 7 after the symbol "7" the figure "(1)".
 - (ii) by inserting in the same section next after sub-section (1) the following new sub-clause: "(2) Where money becomes available in respect of the service of a clergyman by virtue of sub-section (1) of this section, the Board shall pay to the diocese in which that clergyman was last serving a sum equal to so much of the notional annual stipend as is apportionable to the period of that leave and the diocese shall where the ordinary stipend of the clergyman had not been payable by the diocese itself remit that sum to the parish institution or organisation by which it had been payable."
 - (b) by omitting from Section 14 words "so responsible" and by inserting in lieu thereof the words "responsible for the payment of the stipend of that clergyman".
 - (c) by omitting from Section 17 the words "the notional annual stipend" and by inserting in lieu thereof the words "the annual contribution fixed under Section 15 of the Canon".

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(d) by inserting next after Section 32 the following new sections:—

“32A. Notwithstanding anything in this Canon the Board shall not be bound to make any payment except out of funds held by it for the purposes of this Canon.

“32B. In the event of the funds held by the Board at any time being insufficient to make all the payments at that time payable by it under this Canon the Board shall, subject to any direction of the Standing Committee of General Synod, make such payments as in its opinion are fair and equitable in the circumstances.”

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

ATHOL RICHARDSON,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this 14th day of October, 1969.

W. L. J. HUTCHISON,
K. N. SHELLEY,
Secretaries of Synod.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

15/10/1969.