
Long Service Leave Ordinance 1973

No. 34, 1973

AN ORDINANCE to supplement the Long Service Leave Canon 1966-1973 and to more effectively secure the entitlement of persons engaged in the work of the Diocese of Sydney to long service leave under the Long Service Leave Act 1955-1967.

WHEREAS the Church of England in the Diocese of Sydney remains a voluntary association AND WHEREAS in the opinion of the Synod of the Diocese of Sydney every person, whether the holder of an office or a "worker" (as defined in S. 4 of the Long Service Leave Act 1955-1967) engaged in the work of the Church of England in Australia in the Diocese of Sydney should be entitled to long service leave either under the Long Service Leave Canon 1966-1973, where applicable or under the said Act AND WHEREAS in the opinion of the said Synod for the purpose of determining an entitlement to long service leave, continuous employment with any body or organisation under the control of the said Synod and the holding of office in the said Diocese should be regarded as a single continuous period of employment or holding of office AND WHEREAS it is expedient that effect be given to these principles NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

INTERPRETATION

- I. (1) In this Ordinance, unless the context otherwise requires:
 - (a) the word "Act" means the Long Service Leave Act 1955-1967,
 - (b) the word "Canon" means the Long Service Leave Canon 1966-1973,
 - (c) the word "clergyman" means a person who falls within the ambit of the definition of that word in the Canon and who is licensed by the Archbishop of the Diocese of Sydney or by his Commissary and the word "clergymen" means two or more such persons,
 - (d) the term "worker" means a person who falls within the ambit of the definition of that word in Section 4 of the Act and who is engaged in the work of the Church of England in Australia in the Diocese of Sydney or any part thereof,
 - (e) the word "Parish" shall include also provisional parish, provisional district or other ecclesiastical district existing from time to time in the Diocese of Sydney,
 - (f) the word "organisation" means
 - (i) Church of England Property Trust Diocese of Sydney,
 - (ii) every body corporate constituted by or pursuant to the Church of England (Bodies Corporate) Act 1938 at the instance of the Synod of the Diocese of Sydney,
 - (iii) every organisation or association regulated by ordinance of the Synod of the Diocese of Sydney, or the Standing Committee thereof,

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(iv) every organisation or association regulated by resolution of the Synod of the Diocese of Sydney.

(v) every organisation which is declared by resolution of Standing Committee to be an organisation to which this Ordinance shall apply

whether in existence on or at any time after the date on which this Ordinance comes into effect,

(g) the word "Fund" means the fund hereby established,

(h) the term "financial year" means a period of twelve calendar months beginning on the 1st day of January in any year, the first such period being that which began on the 1st day of January, 1973.

(2) A worker shall be deemed to be employed in a Parish if he is engaged by the rector, minister, churchwardens, parish council, church committee or other responsible body thereof and is paid from moneys which are church trust property as defined in Section 4 of the Church of England Trust Property Act 1917.

(3) The headings contained in this Ordinance have been inserted as a matter of convenience only and shall not limit or restrict the provisions of this Ordinance in any way.

(4) This Ordinance may be cited as "Long Service Leave Ordinance 1973".

APPLICATION

2. (1) This Ordinance shall apply to every Parish.

(2) Subject to sub-clauses (3), (4) and (5) of this clause this Ordinance shall apply to every organisation.

(3) This Ordinance shall not apply to any of the organisations listed in the Schedule hereto unless

(a) a majority of the members or other governing council of such organisation give their written consent to this Ordinance applying to such organisation, and

(b) the Standing Committee declares, by resolution, that this Ordinance shall apply to such organisation.

(4) This Ordinance shall cease to apply to an organisation if

(a) a majority of the members or other governing council of such organisation request the Standing Committee to pass the resolution referred to in paragraph (b) of this sub-clause, and

(b) the Standing Committee declares, by resolution, that this Ordinance shall cease to apply to such organisation.

(5) Where

(a) this Ordinance has ceased to apply to an organisation by virtue of a resolution passed pursuant to sub-clause (4) of this clause, and

(b) a majority of the governing council or where there is no governing council a majority of the members of such organisation hereinafter (in this sub-clause) referred to, the Standing Committee may declare, by resolution, that this Ordinance shall apply to such organisation.

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(6) If the Standing Committee passes a resolution pursuant to sub-clauses (3) or (5) of this clause, this Ordinance shall apply to the organisation named or referred to in that resolution on and from the date on which the Standing Committee passes such resolution.

(7) If the Standing Committee passes a resolution pursuant to sub-clause (4) of this clause, this Ordinance shall cease to apply to the organisation named or referred to in that resolution on the day following the date on which the Standing Committee passes such resolution.

(8) The Standing Committee may include any terms or conditions that it may consider just and equitable in the circumstances in any resolution passed by it pursuant to sub-clauses (3), (4) or (5) of this clause (being terms or conditions relating to long service leave or to contribution or moneys collected therefor) and all such terms and conditions shall be binding on the organisation concerned.

FUND

3. There shall be a Fund called the Sydney Diocesan Long Service Leave Fund which shall be managed by the Standing Committee.

4. (1) The Churchwardens of the principal or only church in every parish shall supply to the Standing Committee, in such form as the Standing Committee may require, by the 15th April in 1974 and every year thereafter

(a) the name of every clergyman who was licensed to or who regularly officiated in such parish at any time during the previous financial year,

(b) the name of every worker employed at any time during that financial year in such parish,

(c) the amount of the stipend, salary and other remuneration paid to such persons during that financial year, and

(d) such other information that the Standing Committee may require for the purposes of the Fund.

(2) Every organisation to which this Ordinance applies shall supply to the Standing Committee, in such form as the Standing Committee may require by the 15th April, in 1974 and every year thereafter

(a) the name of every clergyman holding an office within such organisation at any time during that financial year,

(b) the name of every worker employed at any time during that financial year by that organisation,

(c) the amount of the stipend, salary and other remuneration paid by such organisation to such persons during that financial year, and

(d) such other information that the Standing Committee may require for the purposes of the Fund.

5. (1) In addition to any contributions payable by each parish and each organisation to which this Ordinance applies under the Canon or the General Synod — Long Service Leave Canon 1966-1969 Adopting Ordinance 1969, each parish and each organisation to which this Ordinance applies shall pay to the Standing Committee a percentage of the aggregate of all moneys paid by way of salary and other remuneration to all workers thereof or employed therein during each financial year.

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(2) The percentage referred to in sub-clause (1) shall be such percentage as the Standing Committee may determine by resolution provided that such percentage shall not exceed six per centum (6%) without the approval of the Synod given in a resolution hereof.

(3) Such payment shall be made within one month of written demand being made therefor by or on behalf of the Standing Committee.

6. Any parish or organisation to which this Ordinance applies shall pay to the Standing Committee an amount equal to the sum of

(a) the amount standing in any reserve in its books for long service leave as at the 1st day of January 1973, and

(b) the amount added thereto since that date,

less any amount paid by it by way of long service leave since that date. Such payment shall be made in such instalments and at such times as the Standing Committee, after consulting with that parish or organisation, by resolution, may approve.

7. The Standing Committee, from time to time, by resolution, may exempt any parish or organisation from all or any one or more of the obligations imposed upon that parish or organisation by clauses 4, 5 and 6. Any such exemption may be granted upon such terms and conditions that the Standing Committee may consider to be just and equitable in the circumstances (being terms and conditions relating to long service leave or to contributions or moneys collected therefor) and all such terms and conditions shall be binding on the parish or organisation concerned. The Standing Committee, from time to time, by resolution, may revoke any such exemption in whole or in part and vary or revoke any such terms and conditions or impose further such terms and conditions.

ADMINISTRATION

8. The Standing Committee shall administer the Fund in accordance with this Ordinance.

9. The Standing Committee shall report to each ordinary session of the Synod on its administration of the Fund.

10. The Standing Committee may delegate all or any of its powers and duties hereunder to such person or persons as it may think fit and may revoke any such delegation. Any such delegation or revocation may be by resolution of the Standing Committee.

11. The Standing Committee may borrow any sums necessary to provide for applications to be made pursuant to clause 16 hereof.

12. The Standing Committee may make such arrangements with the Long Service Leave Board constituted by the Canon to give effect to this Ordinance that it may consider fit.

13. The Standing Committee may make such arrangements that it may think fit with any person, persons, or corporation (not being a parish or organisation) whether part of the Church of England in Australia or otherwise or with any government or statutory authority upon any person (hereinafter called the "ex-employee") employed by such person, persons, corporation, government or authority whether in the Commonwealth of Australia or otherwise, becoming a clergyman or worker and alternatively with the ex-employee concerned so as to enable any period of service of the ex-employee whilst

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employed by such person, persons, corporation, government or authority to be taken into account in determining an entitlement to long service leave.

14. The Standing Committee may call upon any clergyman to elect, under clauses 7(2) or 7A of the Canon, to continue within the scheme of the Canon. Every clergyman on whom such call is made shall comply with the same.

GOVERNING PRINCIPLES

15. (1) Every clergyman and every worker shall be entitled to long service leave either under the Canon, where applicable, or under the Act, where applicable.

(2) For the purposes of determining an entitlement:

(a) Service (as defined in clause 1 of the Canon) in the Diocese of Sydney and the continuous employment with any parish, parishes, organisation or organisations in the Diocese of Sydney (being organisations to which this Ordinance applies) for the purposes of and to the extent permitted by the Canon and the Act, shall be regarded as a single whole period of service or employment, as the case may be.

(b) Such entitlement shall be calculated by reference to his salary or stipend at the date immediately preceding the date on which the long service is taken or payment in lieu thereof is made from the Fund pursuant to clause 16 hereof.

(3) Subject to the Act, the benefits provided by the Canon shall be available for all clergymen and the benefits provided by the Act shall be available for all workers who are not clergymen.

APPLICATION OF THE FUND

16. The Fund shall be applied by the Standing Committee in the following ways:

(a) In procuring long service leave benefits under the Canon for persons to whom the Canon applies;

(b) in reimbursing any parish or organisation to which this Ordinance applies for any amount incurred by it in meeting an entitlement for long service leave under the Act; and

(c) in giving effect to the principles in clause 15 in such manner as, in the opinion of the Standing Committee, is appropriate in the particular circumstances.

17. Upon this Ordinance ceasing to apply to any organisation, the Standing Committee may refund to such organisation any part of the contributions made by it hereunder or make such other arrangements as in the opinion of the Standing Committee are proper in the circumstances.

SCHEDULE

Abbotsleigh

Arden Church of England School

Barker College

St. Catherine's School Waverley

Sydney Church of England Girls' Grammar School

Tara Church of England Girls' School

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The Illawarra Grammar School
The King's School
Sydney Church of England Grammar School
Trinity Grammar School
Blue Mountains Church of England Grammar School for Boys
Council for the Promotion of Sydney Diocesan Schools
Any Organisation as defined in sub-clause 1 (1) (f) (v) of this Ordinance.

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 16th day of October, 1973.

R. J. BOMFORD,
W. G. S. GOTLEY,
Secretaries of Synod.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

16/10/1973.