

19/97 Review of the Assistant Ministers Ordinance 1990

This report was received by the Synod in 1998. The bill referred to in clause 18 of the report is printed as the Assistant Ministers Ordinance 1990 Amendment Ordinance 2000.

Introduction

1. By resolution 19/97 the Synod requested that the Standing Committee review the Assistant Ministers Ordinance 1990 and report back to the Synod in 1998, the review to give attention to -

- (a) security of appointment;
- (b) job description; and
- (c) possible amendment.

2. The Standing Committee appointed a committee consisting of the following persons to consider and report on resolution 19/97 -

The Rev R Johnson	Mr I C Miller
The Rev R Irvine	Rev D Nicholls
Mr G Marks	Archdeacon P F Perini (Chairman)

Preliminary Considerations

Background

3. The Assistant Ministers Ordinance 1990 (the "Ordinance") provides limited tenure for assistant ministers.

4. Under clause 3 of the Ordinance an assistant minister holds office subject to -

- (a) the terms of his or her licence or authority; and
- (b) where the assistant minister is entitled to or is paid a stipend or is entitled to any other emolument or perquisite, at least 3 months notice of termination of payment of such stipend or entitlement to such emolument or perquisite being given by or on behalf of the person or persons who pay or provide the same.

5. Under clause 6 of the Ordinance an assistant minister ceases to hold office on the 90th day after a new minister is licensed to the 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.

6. The Ordinance was made when assistant ministers commonly served two 2-year curacies before being offered an incumbent's position.

In those circumstances the requirement in the Ordinance for at least 3 months/90 days notice of the termination of the appointment of an assistant minister was considered to be appropriate.

7. The nature of the appointments held by assistant ministers has now changed. The committee found that of the people ordained in 1991, 1992 and 1993, 26% are still serving as assistant ministers and, of those who are now incumbents, 67% served only one curacy. There are now about 122 clergy serving as full time assistant ministers. The committee conducted a survey and found that 23% of assistant ministers had served as an assistant minister for more than 5 years and 11% had previously served as a rector. Some want to stay as assistant ministers for an extensive term.

8. There is an increasing number of clergy who are not subject to the Ordinance because they are employees of various church organisations. Those clergy are covered by the relevant State employment laws, as well as their own contractual arrangements.

Team ministries

9. There is now greater discussion about the concept of team ministry. Although there is a lack of clarity as to what is a "team", it is commonly thought that it involves, at the least, the shared ministry of a minister and an assistant willing to serve in the parish for more than 4 years.

10. The committee found that 62% of assistants believe they have received training to work in a team as assistants. But of incumbents with assistants only 43% believe they have received training in leading a team (of those, only 33% said their training was provided by a diocesan organisation or program). The committee strongly recommended that CEFM produce, as a matter of priority, both written material and a training program to help clarify what is meant by team ministry and help incumbents effectively develop and maintain team ministry.

11. Assistants and incumbents commented on the importance of the incumbent, as the team leader, having the responsibility to appoint and dismiss staff. But for most people surveyed such a responsibility did not mean a refusal to involve lay people in these processes. 67% of incumbents surveyed said that they involved lay people to some degree in the appointment, review and termination of staff and 85% of the assistants surveyed said they believed such lay involvement was beneficial.

12. While the Ordinance has generally worked effectively, the committee considered that problems will arise in future as long term assistant ministries further develop, the notion of team ministry becomes clearer and the practice of lay involvement in appointment becomes more the norm. Such problems could include conflict between the incumbent and parish council on the extent to which parish council is involved in an appointment and/or dismissal, and the reasonableness of 3 month notice of termination for a person who has ministered in the parish for an extensive period.

Security of Appointment

13. The committee found that 53% of assistant ministers thought the Ordinance did not provide sufficient tenure and/or facilitate long term assistant ministries. Of incumbents with assistants, 47% had the same concerns.

14. To provide for greater security of appointment the committee recommended that a new category of minister - a senior assistant minister - be recognised and that the Ordinance be amended to provide more secure tenure for such ministers. The term "senior assistant" is not new: it is often used in conversation, parish newsletters and "business" cards. Many assistant ministers use the term to indicate a sense of long term commitment to the parish. The committee was of the view such formal recognition of senior assistant ministers would enhance their ministry.

15. The committee considered that to be a senior assistant minister a person must be licensed to parish ministry and be -

- (a) either a priest or a deacon who has served at least 4 years as an assistant minister, not necessarily in the one parish, or in Sydney; or
- (b) a priest who has served as an incumbent, not necessarily in Sydney, but is now serving as an assistant.

16. The committee proposed that new provisions for senior assistant ministers should include the following.

- (a) The parish council must agree to the person nominated by the minister being licensed or authorised as a senior assistant minister in the parish.
- (b) Notice of termination of appointment to be 1 month, up to 9 months, for every year of service in the parish, with a minimum 3 month period.
- (c) Consultation by the incumbent with the parish council before giving notice to terminate the appointment of a senior assistant minister.
- (d) The senior assistant minister retains his or her licence to minister in the parish after a new incumbent is appointed.
- (e) The possibility of individual arrangements being entered into provided the 3 months due notice is maintained and the arrangement is agreeable to all relevant parties.

17. The committee considered that the new provisions referred to in 16 are appropriate because they provide for -

- (a) appropriate lay involvement in the appointment and termination of a senior assistant minister especially as a senior assistant minister may retain his or her appointment after a new minister is appointed;
- (b) reasonable notice for termination of an appointment; and

- (c) the maintenance of the principal responsibility of the incumbent in the appointment and termination of staff.

18. The bill for the Assistant Ministers Ordinance 1990 Amendment Ordinance 1998 provides for the recognition of senior assistant ministers and the implementation of new tenure provisions to apply to them.

Job Description

19. The nature of an assistant minister's "job description" or responsibilities, is considered to be an issue for training and written material rather than an ordinance. It is to be noted, of the assistants surveyed, 50% indicated they have a written "job description".

Recommendation

20. The Standing Committee recommends that the Synod pass the bill as an Ordinance.

For and on behalf of the Standing Committee

PAUL PERINI

Archdeacon for Ordination and Ministry Development

14 August 1998