
Annual Leave Ordinance 1983

No. 35, 1983

AN ORDINANCE to authorise ministers of parishes and other ecclesiastical districts to take annual leave.

WHEREAS the entitlement of clergy to annual leave, as a matter of ecclesiastical law, is uncertain AND WHEREAS it is expedient that the ecclesiastical law should be reformed and clarified NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

1. (1) This Ordinance may be cited as the "Annual Leave Ordinance 1983".

(2) For the purposes of this Ordinance:

"annual leave" means the leave which a minister may become entitled to take under this Ordinance from his duties;

"Archbishop" means the Archbishop of Sydney for the time being or any Commissary duly appointed by him or any Administrator of the Diocese;

"churchwardens" means the churchwardens of the principal church or only church in each parish or provisional parish;

"ecclesiastical district" means every parish, provisional parish, new housing district and other ecclesiastical district;

"leave entitlement" means a period of leave to which a minister is entitled under clause 3;

"minister" means:

- (a) as applied to a parish, the minister duly licensed thereto as the incumbent thereof or the person, if any, appointed thereto pursuant to section 55 of the Sydney Church Ordinance 1912, as amended;
- (b) as applied to a provisional parish, the minister duly licensed thereto as curate in charge or assistant minister or the person, if any, appointed thereto pursuant to section 55 of the Sydney Church Ordinance 1912, as amended;
- (c) as applied to a new housing district, the minister or one of the ministers duly licensed thereto;
- (d) as applied to St. Andrew's Cathedral, the Dean thereof;
- (e) as applied to a church situated within the Diocese but not situated in any ecclesiastical district, the minister licensed to officiate thereat;

and includes a person licensed as a curate or as an assistant minister, and not being a person referred to in sub-paragraph (b) of this definition.

"Registrar" means the Registrar of the Diocese or the person exercising the duties of the Registrar for the time being.

2. Subject to the terms of this Ordinance, a minister may take annual leave each year:—

- (a) to the extent that he may, at the time when he takes such leave, have leave entitlement; and

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(b) to such further extent that he may be authorised to take leave pursuant to clause 5.

3. (1) Subject to this clause, a minister shall be entitled to leave at the rate of four (4) weeks in respect of each period of fifty-two (52) weeks during which he shall have been licensed to or shall have regularly officiated in an ecclesiastical district or in respect of a church which is not situated in any ecclesiastical district.

(2) No leave entitlement under this Ordinance shall accrue in respect of any period prior to the 1st of January 1984.

(3) Leave entitlement shall accrue from day to day.

(4) Leave in excess of entitlement may be taken with the consent of the churchwardens.

4. A minister shall take annual leave in accordance with his leave entitlement:—

(a) before the expiry of two (2) years after the date upon which right to the leave entitlement accrued;

(b) as far as possible after consultation with the churchwardens in the case of a parish or provisional parish or with the New Areas Committee in the case of a new housing district or with the St. Andrew's Cathedral Chapter in the case of the Dean; and

(c) as far as possible only where suitable arrangements shall have been made for a person or persons to perform his duties in his absence;

PROVIDED THAT any of the requirements in paragraphs (a), (b) and (c) may be waived or amended from time to time by the Archbishop in his discretion upon representations being made to him or to some other person or persons appointed by the Archbishop.

5. The Archbishop may authorise the minister to take annual leave before the minister has become entitled thereto.

6. (1) A minister shall be paid the ordinary stipend and any allowances to which he is or may be entitled for any period of annual leave which he proposes to take and shall be so paid immediately prior to his taking such annual leave.

(2) Except as provided in this clause, a minister shall not be paid any stipend or allowances in respect of any leave entitlement which is not used by him.

(3) Where a minister who has leave entitlement resigns or dies, he or his legal personal representative (as the case may require) shall be paid a sum equal to the ordinary stipend and any allowances of such minister for the period of such leave entitlement.

7. (1) The provisions of this Ordinance shall take effect on and from the 1st of January 1984.

(2) This Ordinance shall not apply to any minister who may become or become entitled to leave by virtue of any statute or award made thereunder.

(3) Nothing in this Ordinance affects any rights of a minister to any leave to which the minister may be entitled in respect of any period occurring before the 1st of January 1984.

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

E. D. CAMERON
Chairman of Committees

WE CERTIFY that this Ordinance was passed by the Synod of the Diocese of Sydney on this 11th day of October 1983.

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

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney

11/10/1983