

# Annual Leave Ordinance 1983

(Reprinted under the Interpretation Ordinance 1985.)

The Annual Leave Ordinance 1983 as amended by the Sydney Anglican Home Mission Society (Sydney Church of England New Areas Committee) Ordinance 1986, the Assisted Provisional Parishes Ordinance 1988, the Miscellaneous Amendments Ordinance 1999, the Annual Leave Amendment Ordinance 2005 and the Annual Leave Ordinance 1983 Amendment Ordinance 2009.

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## Long Title

An Ordinance to authorise ministers of parishes and other ecclesiastical districts to take annual leave.

## Preamble

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. Citation and Interpretation

(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;

“wardens” means –

(a) in the case of a parochial unit to which the provisions of Schedule 1 of the Parish Administration Ordinance 2008 apply, the wardens of the principal church or only church in the parochial unit, and

(b) in the case of a parochial unit to which the provisions of Schedule 2 of the Parish Administration Ordinance 2008 apply, the wardens of the parochial unit, and

(c) in the case of St Andrew’s Cathedral, the St Andrew’s Cathedral Chapter;

“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 rule 9.7 of Schedule 1 or 2 of the Parish Administration Ordinance 2008;

(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 rule 9.7 of Schedule 1 or 2 of the Parish Administration Ordinance 2008;

- (c) ....
- (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 parochial unit, 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 subparagraph (b) of this definition.

“parochial unit” means a parish, provisional parish or recognised church.

“regional archdeacon” means –

- (a) the archdeacon of the region in which is situated the parochial unit to which the minister is licensed, and
- (b) in the case of the Dean and any minister referred to in paragraph (e) of the definition of “minister” - the Archbishop.

## **2. Extent to Which a Minister May take Annual Leave**

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

## **3. Entitlement of a Minister to Annual Leave**

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

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

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

(4) Leave in excess of entitlement may be taken by a minister with the consent of at least two wardens provided that all reasonable efforts have been taken first to consult with the third warden at the time consent is given.

(5) A minister may take additional leave for the purpose of attending a session of the Synod of the Diocese to which the minister is summoned without the consent of the wardens.

(6) The Standing Committee may make guidelines from time to time as to the activities that a minister may engage in or undertake which, if engaged in or undertaken by the minister, should be taken during a period of annual leave or additional leave approved under subclause (4).

## **4. Taking annual leave**

(1) Usually, a minister should take any annual leave to which he or she is entitled within 2 years of the date upon which the leave entitlement accrued. A minister should not delay taking annual leave beyond 2 years of the date upon which the leave entitlement accrued without prior consultation with the wardens. If the minister delays taking leave beyond that date, the regional archdeacon, at the request of the wardens and by written notice to the minister, may direct that such leave be taken during the period specified in the notice. During such period, the minister will be taken to be on annual leave.

(2) A minister may only take annual leave –

- (a) after consultation with the wardens, and
- (b) if suitable arrangements have been made for another person to perform the minister's duties in his or her absence.

(3) The regional archdeacon may waive or amend the application of subclause (2) to the taking of leave by a particular minister.

## **5. Taking Annual Leave before Entitlement**

The regional archdeacon may authorise the minister to take annual leave before the minister has become entitled thereto.

## **6. Payment of Stipend and Allowances**

(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.

### **6A. Records and provision for annual leave**

(1) The wardens are to maintain records of the annual leave entitlement accrued, and the annual leave taken, by each minister licensed to their parochial unit, or St Andrew's Cathedral, as the case may be.

(2) The wardens are also to ensure that sufficient provision is maintained in their accounts for any annual leave entitlement of a minister which has accrued, but has not been taken.

## **7. Operative Date of this Ordinance: Applicability to Leave Under Statute or Award**

(1) .....

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

(3) .....

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## **Notes**

The amendments made by Ordinance No 45, 2005 do not apply to any annual leave entitlement which accrued prior to the date of assent to that Ordinance (being 15 November 2005). The rules for such entitlements are the provisions of the Annual Leave Ordinance 1983 in force immediately prior to the date of assent to Ordinance No 45, 2005.

## **Table of Amendments**

Clause 1	Amended by Ordinances Nos 30, 1988; 27, 1999; 45, 2005 and pursuant to the Interpretation Ordinance 1985.
Clause 3	Amended by Ordinances Nos 45, 2005 and 5, 2009.
Clause 4	Amended by Ordinances Nos 45, 1986; 30, 1988 and 27, 1999. New clause inserted by Ordinance No 45, 2005 and amended pursuant to the Interpretation Ordinance 1985.
Clause 5	Amended by Ordinance No 45, 2005.
Clause 6A	Inserted by Ordinance No 45, 2005 and amended pursuant to the Interpretation Ordinance 1985.
Clause 7	Amended by Ordinance No 45, 2005.

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