

CLERICAL APPOINTMENTS IN THE DIOCESE

1. (1) It is incumbent on all clergy in the diocese to keep before them the high calling of our Saviour Jesus Christ and to receive and follow the wholesome teaching set before them at their Ordination.
- (2) Prior to receiving an appointment in the Diocese all Clergy shall agree faithfully to perform their manifold duties according to "The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the Use of the Church of England together with the Psalter or Psalms of David pointed as they are to be sung or said in Churches and the Form or Manner of Making Ordaining and Consecrating of Bishops Priests and Deacons" (1662) and other formularies of this Church, to give assent to the doctrine and principles of this Church, to give canonical obedience to the Bishop, to be bound by the discipline of this Church and the Constitution and Regulations of the Synod, to abide by the code of behaviour "Faithfulness in Service" as published as Appendix One to Regulation Thirteen and to sign Schedules "G", "I" and "N".

SELECTION FOR APPOINTMENT

2. **The Nomination Board:** The selection and presentation of a person in priest's orders for appointment to the position of Parish or Ministry District Priest shall be made by the Nomination Board for that Parish or Ministry District. The Nomination Board shall consist of Parish or Ministry District and Diocesan Nominators appointed as hereinafter provided.
3. **Parish or Ministry District Nominators:**
 - (1) **In a Parish.**
 - (a) Nominators shall be five persons who shall have been duly elected at the meeting called for the purpose of the election of lay members of Synod as provided in Regulation 1 clause 4 when held or otherwise by any such method as the parish shall from time to time determine. The parish shall also elect five reserve nominators.
 - (b) The Chair of the meeting or other proper person shall forward to the Registrar within thirty days the Certificate of Election in the form of Schedule "C".
 - (c) When any nominator is unable to attend the first meeting of the Nomination Board notice of the attendance of the reserve nominator shall be given with the apology. Only the persons who attend the first meeting may attend subsequent meetings of the constituted Nomination Board.
 - (d) When the office of any nominator becomes vacant it shall be the duty of the parish council or other proper body to fill such vacancy and to notify the Diocesan Registrar.
 - (2) **In a Ministry District.** The District Committee shall act as the Nomination Committee for the District unless the District Committee determines to appoint a Nomination Committee using a different formula. Such alternative formula must

ensure equality of representation amongst the Congregations within the Ministry District and have the approval of the Bishop. Only the persons who attend the first meeting may attend subsequent meetings of the constituted Nomination Board.

4. **Diocesan Nominators:** The Diocesan Nominators shall be the Bishop or the Bishop's nominee and the Archdeacon of the area or in the absence of the Archdeacon the Rural Dean or in the absence of the Rural Dean some other cleric appointed by the Bishop together with one clerical and one lay nominator who shall be elected at the First Session of each Triennial Synod. The Synod shall at the same time elect a reserve for each nominator who may act if the nominator is unable to do so. When the office of any Diocesan Nominator becomes vacant it shall be filled forthwith by the Synod or if the Synod be not in session by the Diocesan Council.
5. **Parish or Ministry District Vacancy Consultation:** When the office of Parish or Ministry District Priest is vacant or is to become vacant the Bishop shall arrange for a vacancy consultation with members of the Parish or Ministry District.
6. **Meeting of the Nomination Board:**
 - (1) As soon as is possible after the vacancy consultation the Bishop shall summon the members of the Nomination Board of the said Parish or Ministry District to meet at such time and place as the Bishop shall think fit. The Bishop and those Diocesan and Parish or Ministry District nominators who are present at the first meeting shall constitute the Nomination Board. The presence of the Bishop or the Bishop's nominee and at least three nominators, two of whom shall be Parish or Ministry District nominators, shall be necessary to constitute a meeting of the Board.
 - (2) The Nomination Board presided over by the Bishop or the Bishop's nominee shall select and nominate suitable clerics for the position of Parish or Ministry District Priest in the said Parish or Ministry District.
 - (3) The Nomination Board shall nominate such clerics to the Bishop in the form of Schedule "J".
7. **Right of Presentation to Lapse:** If no cleric accept appointment within six months from the date on which the Nomination Board first met the Bishop may appoint a cleric to the position of Parish or Ministry District Priest.
8. **Admission to the office of Parish or Ministry District Priest:**
 - (1) The title of a cleric duly licensed to the office of priest in a Parish or Ministry District shall be that determined by the Bishop in the cleric's licence.
 - (2) The cleric shall be commissioned at a public service of worship. The form of the commissioning shall be settled by the Bishop after consultation.

DURING A VACANCY IN THE OFFICE OF PARISH OR MINISTRY DISTRICT PRIEST

9. **Vacancy may be Advertised:** If the Nomination Board so decides, a vacancy in the office of Parish or Ministry District Priest may be advertised. Any expressions of

interest shall be directed to the Bishop who shall bring the information to the Nomination Board.

10. Bishop May Appoint during a Vacancy:

- (1) When the office of Parish or Ministry District Priest becomes or is to become vacant the Bishop in consultation with the churchwardens may appoint some duly qualified person to minister in the said Parish or Ministry District until the vacancy is filled.
- (2) In such a case the Bishop may appoint a representative
 - (a) in Parishes to preside at meetings of the Vestries, Church and Parish Councils;
 - (b) in Ministry Districts to participate in meetings of the Vestries, Church Councils and Ministry District Committees.

DUTIES OF LICENSED CLERGY

11. (1) In a Parish the priest shall

- (a) provide for regular services of worship in the parish and shall not allow services of worship to lapse for any Sunday or for the celebrations of Christmas Day, Good Friday or Ascension Day without notifying the Bishop.
- (b) determine the times of Divine Service after consultation with the congregation. If there is any dispute the matter shall be decided by the Bishop. The use of The Book of Common Prayer, An Australian Prayer Book, A Prayer Book for Australia, the particular orders or forms from them and which of their provided variations shall be decided by the priest after consultation with the congregation at a meeting of the Vestry. If there is any dispute the matter shall be decided by the Bishop.

(2) In a Ministry District the priest

- (a) shall provide sacramental ministry, preaching and teaching within the Ministry District.
- (b) shall work with, advise, encourage and assist congregations, vestries and councils within the Ministry District in the mission and ministry of the church.
- (c) may attend and contribute to any meetings.

(3) Local Clergy

- (a) The Bishop may license ordained persons for ministry in the area of a congregation or cluster of congregations as local clerics. Such licences shall be for a limited time, and be revocable in the terms provided in the licence. Local clerics are not stipendiary but shall be entitled to receive reimbursement for out-of-pocket expenses.
- (b) A local cleric shall be a member of the Vestry and, with the consent of the Vestry, may be a member of the Church Council of the congregation or

congregations in which the cleric serves. The cleric shall work with other members of the ministry team in the congregation. The team shall give leadership to the congregation and the local cleric shall contribute in those areas of the congregation's life to which the cleric's gifts, abilities, ordination, and training are appropriate.

OTHER MINISTERS

12. (1) In addition to the three orders of ordained ministry within our church there are lay persons who are licensed by the Bishop for leadership in specific areas of ministry.
- (2) Members of Religious Orders, and lay ministers licensed by the Bishop for ministry within this Diocese are to keep before them the high calling of our Saviour Jesus Christ and receive and follow the wholesome teaching set before them at the time of their admission.
- (3) Prior to being licensed such ministers must agree to be bound by the discipline of this Church and the Constitution and Regulations of the Synod, to abide by the code of behaviour "Faithfulness in Service" as published as Appendix One to Regulation Thirteen and sign Schedule "N".
- (4) Clauses 13 to 22 of this Regulation shall apply to such licensed ministers as may be in stipendiary appointments.

CONDITIONS IN STIPENDIARY APPOINTMENTS

- 13. Stipends:** The minimum stipend for all stipendiary clergy shall be as the Diocesan Council shall from time to time determine.
- 14. Superannuation:** Unless the Diocesan Council determines otherwise the Parish Council or Ministry District Committee shall remit to the Diocesan Office monthly an amount equal to 18% of the stipend for payment to the superannuation account nominated by the cleric.
- 15. Travelling:** Where it is appropriate with the agreement of the cleric concerned each Parish or Ministry District shall either provide a car for the cleric who shall reimburse for personal use, or provide for the reimbursement of the cost of ministry usage of a privately-owned vehicle. Terms of use shall be decided at the time of appointment.
- 16. Housing:** A suitable house shall be provided for each stipendiary cleric and the Parish or Ministry District or body concerned shall maintain and keep the house in sound condition. The cleric shall keep the house and grounds in good tenable order.
- 17. Weekly Refreshment:** Clergy shall have one day each week for refreshment and renewal. Where circumstances require, refreshment days can accrue, but no more than four such days at any time. Accrued days (up to the maximum of four) can be taken in a block with the agreement of the Archdeacon and the Parish Council or Ministry District Committee.
- 18. Present in the Parish or Ministry District:** Stipended clergy shall be occupied in the affairs of the Parish or Ministry District and shall not be absent from the Parish or

Ministry District for more than six consecutive days without notifying the Registrar and the Archdeacon in writing, and the appropriate Parish or Ministry District officers.

19. Leave

- (1) **Annual Leave:** Stipendiary clergy licensed in the Diocese shall be entitled to four weeks paid leave each year including four Sundays. Leave should be taken each year but may accumulate with the agreement of the Parish Council or Ministry District Committee. Suitable arrangements for Sunday worship and pastoral care in the Parish or Ministry District shall be made by the priest in consultation with the Parish Council or Ministry District Committee and the Bishop.
- (2) **Study Leave:** Clergy may avail themselves of up to two weeks for study leave each year. The timing of this leave is to be negotiated with the Parish Council or Ministry District Committee and the Bishop. Study leave shall have a specific focus, and shall relate clearly to the professional/vocational development of the clergyperson.
- (3) **Sickness and Accident:**
 - (a) During any incapacity from accident or sickness a cleric shall continue to be remunerated by the Parish or Ministry District or other appropriate body.
 - (b) Since stipendiary clergy in the Diocese are not workers in terms of the S.A. Workers Compensation Act being neither employed nor under a contract of service, the stipend of such clergy shall be covered against sickness or accident exceeding 30 days by insurance. The manner and the cost of such insurance contributions shall be determined by the Diocesan Council and shall be paid in the manner decided from time to time by the Diocesan Council. The proceeds of any such insurance shall be paid to the Parish or Ministry District and the cost of any relieving ministry while the cleric is not able to perform duties in the Parish or Ministry District shall be met from such proceeds.
 - (c) In the case of any cleric having a medically certified prolonged physical or mental incapacity the Bishop shall have the authority to terminate the cleric's appointment.
- (4) **Parental Leave:** *(Appendix One details the application of this clause.)*
 - (a) Female clergy shall be offered twelve weeks paid maternity leave.
 - (b) Male clergy shall be offered four weeks paid paternity leave.
 - (c) Either male or female clergy shall be offered further leave, unpaid, beyond the paid leave period for up to a total leave period of fifty two weeks while remaining in the Rectory, provided mutually acceptable arrangements can be reached between the cleric, the Parish or Ministry District, and the Bishop.
 - (d) Either male or female clergy shall be offered return to duty on a part-time basis, provided satisfactory arrangements can be agreed between the

cleric, the Parish or Ministry District, and the Bishop.

- (5) **Long Service Leave:** The provisions of the Canon of the General Synod of The Anglican Church of Australia concerning Long Service Leave most recently adopted by this Diocese shall govern long service leave taken by clergy in the Diocese and contributions made to the Long Service Leave Fund. Such contributions shall be paid in the manner decided from time to time by the Synod.
- (6) **If Absent Without Leave:** If, without the leave of the Bishop and without coming to an understanding with the Parish Council or the Ministry District Committee a clergy person is absent from the Parish or Ministry District beyond the period of leave approved in preceding sub-clauses (1) to (5) payment of stipend shall cease during such absence. In such a case the Parish Council or Ministry District Committee shall report the matter to the Bishop with the request that the Bishop appoint a locum tenens in the place of the clergy person so absent and the Bishop may declare the appointment to have been terminated and the position to be vacant. Such remuneration as shall be determined by the Bishop in consultation with the Parish Council or Ministry District Committee shall be payable to the locum tenens.
- (7) **Leave due when moving:** Holidays owing from a priest's former Parish or Ministry District are best taken prior to removal or alternatively following removal but prior to commissioning. Payment in lieu is inappropriate with the exception of moving into retirement or leaving the ministry. Where the Bishop accepts that the immediate taking of leave is impractical, stipend equivalent to the amount of leave owing must be paid to the incoming Parish or Ministry District to fund that leave at an agreed later time.
- 20. Short Term Exchange of Parish or Ministry District:** A cleric having the position of Parish or Ministry District Priest in any Parish or Ministry District may with the consent of the Bishop negotiate for an exchange of Parish or Ministry District of not more than 12 months with any other such cleric either within or outside the Diocese. Such exchange shall require the concurrence of the Nomination Boards and Diocesan Bishops concerned.
- 21. Termination of an Appointment:** A priest may resign or retire from the position of Parish or Ministry District Priest upon notice to the Bishop duly given in the terms of the licence. In such case or if the appointment be terminated by death, suspension, revocation, deprivation or any other cause all rights, privileges, emoluments and advantages in or respecting the position of Parish or Ministry District Priest together with possession of the house and other buildings, lands and appurtenances held in virtue of the appointment as Parish or Ministry District Priest come to an end.
- 22. Suspension from Duty:** Further to the powers of suspension conferred in Clause 61 of the Constitution of the Anglican Church of Australia, when a charge is pending before the Diocesan Tribunal against any person licensed by the Bishop and there are concurrently criminal or civil proceedings in relation to the same matter, the Bishop may adjourn the proceedings before the Tribunal until the outcome of any criminal or civil proceedings is known. When a person is so suspended the Synod

where necessary shall pay the stipend and provide alternative accommodation.

- 23. Notice of Resignation:** A cleric who wishes to resign an appointment in the Diocese shall give three months notice in writing to the Bishop. It shall be within the power of the Bishop to dispense with this rule.

APPENDIX ONE

Details of the application of Clergy Parental Leave: Clause 19 (4)

CLERGY PARENTAL LEAVE

Definitions – in this appendix

“adoption” means the adoption of a child who is not the natural child of the member of the clergy or his or her spouse, who is younger than 5 years of age, and who has not lived continuously with the member of the clergy for 6 months or longer;

“adoption leave” means leave taken for the purpose of the care of a child who has been adopted at or shortly after the date of placement of the child; adoption leave does not apply when one parent is formally adopting the child or children of the spouse;

“expected date of birth” means a day certified by a medical practitioner as the expected day of birth of a child;

“maternity leave” means leave taken by the mother of a child for the purposes of the birth and the care of the child;

“ordinary rate of remuneration” means the stipend payable to a member of the clergy together with any allowances paid in respect of housing, travel, and utilities, or together with the provision of housing and utilities, as the case may be;

“parental leave” means the leave provided for by this Regulation;

“paternity leave” means leave taken by the father of a child at or about the time of the birth of the child; and

“service” means service as a member of the clergy in the Diocese, and includes annual leave, long service leave and sick leave.

Entitlements to Parental Leave

1. A cleric is entitled to take parental leave, under these provisions, for a period of up to 52 weeks
 - (a) for the birth of a child to the cleric;
 - (b) for the placement of a child with the cleric with a view to the adoption of the child by the cleric;
 - (c) in order to be a care-giver to the child.

Notice of Intention to take Parental Leave

2. A cleric who wishes to take parental leave shall provide notice of intention to take parental leave in accordance with the time limits set out in these provisions for the type of leave being sought to

- (a) the Bishop;
 - (b) the Registrar;
 - (c) the Archdeacon of the area; and to
 - (d) the Secretary of the Parish Council or Ministry District Committee.
3. The notice of intention to take parental leave shall include details of the type of leave sought and of the dates on which such leave is proposed to be taken

Medical Certificate

4. (1) A cleric who has given notice of intention to take maternity parental leave for the birth of the child must provide the Registrar with a certificate of a medical practitioner certifying that she is pregnant, and identifying the expected date of birth.
- (2) A cleric who has given notice of intention to take paternity parental leave for the birth of the child must provide the Registrar with a certificate of a medical practitioner certifying that his spouse is pregnant, and identifying the expected date of birth.

Approval of Leave

5. Parental leave or any part-time return to duty shall be agreed between the cleric, the Parish Council or Ministry District Committee and the Archdeacon; and in default of agreement, shall be determined by the Bishop.

Maternity Leave

6. A cleric who wishes to take maternity leave shall provide notice of her intention to do so not less than 17 weeks before the expected date of birth.
7. The date of commencement of maternity leave shall be agreed to at least 13 weeks before the expected date of birth.
8. The first 12 weeks of maternity leave shall be paid parental leave.
9. Subject to sub-clause 16(2), any further maternity leave shall be unpaid leave.
10. If, during the period of paid leave, the cleric wishes to take additional maternity leave, then
- (a) she shall give notice thereof in accordance with clause 3; and
 - (b) agreement shall be reached as to the duration of any such further maternity leave, in accordance with clause 5.

Paternity Leave

11. A cleric who wishes to take paternity leave shall provide notice no later than four weeks prior to the expected date of birth.
12. Paternity leave for a period of up to 4 weeks (which period does not need to be continuous), shall be paid parental leave. Subject to clause 17, paternity leave shall not be taken other than in the period commencing one week before the expected date of birth, and concluding six weeks after the actual date of birth.

Adoption Leave

13. A cleric who wishes to take adoption leave shall provide notice not later than eight weeks prior to the date on which he or she seeks to commence such leave, together with:
- (a) evidence of the approval of his or her application for adoption, and of the anticipated date of placement; and
 - (b) evidence of the date of birth of the child.
14. (1) If a cleric wishes to take maternal adoption leave, the period of paid parental leave shall be up to twelve weeks.
- (2) If a cleric wishes to take paternal adoption leave, the period of paid parental leave shall be up to four weeks.

Paid Parental Leave

15. Paid parental leave shall be paid to a cleric at his or her ordinary rate of remuneration.

Unpaid Parental Leave

16. (1) During any period of unpaid parental leave, and subject to sub-clauses 16(2) and 16(3), any stipend or salary to which the cleric would otherwise be entitled shall be suspended.
- (2) A cleric may take any other leave to which he or she is entitled during any period of unpaid parental leave, and the body which is liable to pay the parent's entitlements in respect of any such leave so taken shall pay the cleric for that period of leave.
- (3) If a cleric returns to duty on an agreed part-time basis during a period of unpaid leave, then the body which is liable to pay the cleric shall pay for that duty on a pro-rata basis.

Bishop's discretionary powers

17. The Bishop may approve any variation to the determinations made under the preceding clauses.

Effect of Parental Leave on Long Service Leave and Other Rights

18. Absence on parental leave shall not break a cleric's continuity of service.