

**CLERGY PARENTING LEAVE ORDINANCE 2003**

**An Ordinance Relating to the Provision of Clergy Parenting Leave**

THE SYNOD HEREBY DETERMINES:

**Title**

1. This Ordinance may be cited as the “Clergy Parenting Leave Ordinance 2003”.

**Definitions**

2. In this Ordinance:

“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;

“Archdeacon” means the Archdeacon of the area in which a parish is situated;

“carer’s leave” means leave taken by a parent of a pre-school age child for the purpose of the care of the child;

“Commonwealth paid parental leave scheme” means -

- (a) the scheme established under the *Paid Parental Leave Act 2010* of the Commonwealth; or
- (b) any other scheme established in substitution for the scheme referred to in paragraph (a);

“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;

“minimum stipend” means the minimum amount payable to a member of the clergy as determined by the Diocesan Council from time to time, including superannuation and long service leave contributions;

“ordinary rate of remuneration” means the stipend payable by a parish 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 Ordinance;

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

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

### **Application**

3. (1) This Ordinance does not apply with respect to any employment where a member of the clergy is in the employ of any body other than the Synod.
- (2) Nothing in this Ordinance affects the Status of Clergy Ordinance, 2002.

### **Entitlements to Parental Leave**

4. (1) Subject to section 7, a member of the clergy—
  - (a) is entitled to take maternity leave, adoption leave or carer’s leave for a period of up to 52 weeks; and
  - (b) is entitled to take paternity leave for a period of up to eight weeks (which period does not need to be continuous).
- (2) However—
  - (a) a member of the clergy is not entitled to take parental leave unless the member of the clergy has, before the commencement of the leave, completed at least 12 months continuous service; and
  - (b) a member of the clergy is not entitled to take parental leave at the same time that his or her spouse takes parental leave (including such leave granted under another scheme), apart from up to eight weeks of paternity leave (which period does not need to be continuous) taken

concurrently with a spouse taking parental leave, with the approval of the Bishop.

### **Notice of Intention to take Parental Leave**

5. (1) A member of the clergy who wishes to take parental leave shall provide notice of intention to take parental leave in accordance with the time limits set out in this Ordinance for the type of leave being sought:
  - (a) to the Diocesan Secretary;
  - (b) to the Bishop; and
  - (c) where the member of the clergy holds an office or an appointment within a parish, to the churchwardens and to the Archdeacon; and
  - (d) where the member of the clergy holds office or appointment with a Council of the Synod, the Executive Officer and the Chair of that Council.
- (2) 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. In the case of paternity leave, such details may be provided by reference to a period following the actual date of the birth of the child, or the discharge of the mother of the child from a hospital.

### **Medical Certificate**

6. A member of the clergy who has given notice of intention to take parental leave for the birth of the child must provide the Diocesan Secretary with a certificate of a medical practitioner certifying that that person or his spouse is pregnant, and identifying the expected date of birth.

### **Approval of Leave**

7. (1) In the case of a member of the clergy who holds an office or appointment within a parish, parental leave shall be agreed between the member of the clergy, the churchwardens, and the Archdeacon, and in default of agreement, shall be determined by the Bishop.
- (2) In any other case, parental leave shall be agreed between the member of the clergy and the Executive Officer and the Chair of the Council (if any) to

which they may be responsible and the Diocesan Secretary, and in default of agreement, shall be determined by the Bishop.

- (3) Maternity leave, adoption leave or carer's leave may only be taken for a period greater than 3 months with the approval of the Bishop.
- (4) Paternity leave may only be taken for a period greater than one week with the approval of the Bishop.

### **Maternity Leave**

- 8. A member of the clergy 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.
- 9.
  - (1) Maternity leave shall commence and conclude on dates to be agreed at least 13 weeks before the expected date of birth.
  - (2) Subject to subsection (3), maternity leave shall commence not later than four weeks before the expected date of birth.
  - (3) The Bishop may approve an agreement providing for a later day of commencement of maternity leave.
- 10. The first 12 weeks of maternity leave shall be paid parental leave.
- 11. Subject to section 20(2), any further maternity leave shall be unpaid leave.
- 12. If, during the period of paid leave, the member of the clergy wishes to take additional maternity leave, then:
  - (a) she shall give notice thereof in accordance with Section 5: and
  - (b) agreement shall be reached as to the duration of any such further maternity leave, in accordance with Section 7.

### **Paternity Leave**

- 13. A member of the clergy who wishes to take paternity leave shall provide notice no later than four weeks prior to the expected date of birth.

**Payment for Paternity Leave**

14. (1) The first week of paternity leave will be paid parental leave,
- (2) Subject to section 20(2), any further paternity leave will be unpaid leave.

**Adoption Leave**

15. A member of the clergy 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.
16. (1) Adoption leave shall be paid parental leave for a continuous period calculated by reference to the age of the child as at the date of placement and commencing on the date of placement.
- (2) If the child is younger than 12 months old at the date of placement, the period of leave shall be up to six weeks; in all other cases, the period of leave shall be up to three weeks.

**Carer's Leave**

17. (1) Other than in exceptional circumstances a member of the clergy who wishes to take carer's leave shall provide notice:
    - (a) if the period of leave sought is greater than three months, not less than three months prior to the proposed commencement date; and
    - (b) in any other case, not less than one month prior to the proposed commencement date.
  - (2) In exceptional cases, the bishop may waive or reduce the periods of notice required by subsection (1).
18. Carer's leave shall be unpaid parental leave.

**Paid Parental Leave**

19. (1) Paid parental leave shall be paid to a member of the clergy at his or her ordinary rate of remuneration less any amount that the member of the clergy is entitled to receive under a Commonwealth paid parental leave scheme
- (2) The Synod must pay to a parish in which the member of the clergy was serving immediately before he or she commenced a period of paid parental leave, a sum equal to the amount of the minimum stipend, less any amount that the member of the clergy is entitled to receive under a Commonwealth paid parental leave scheme, in respect of the period of paid parental leave.

**Unpaid Parental Leave**

20. (1) During any period of unpaid parental leave, and subject to subsection (2), any stipend or salary to which the member of the clergy would otherwise be entitled shall be suspended.
- (2) A member of the clergy 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 member of the clergy for that period of leave.

**Effect of Parental Leave on Long Service Leave and Other Rights**

21. Absence on parental leave shall not break a member of the clergy's continuity of service.

Passed on 1 June 2003

Amended on 20 October 2013 – Section 2 Definitions; insert: “Commonwealth paid parental leave scheme”; Section 2—insert: “minimum stipend”; amend “ordinary rate of remuneration”; amend “paternity leave”; Section 4; Section 7 (2); Section 14; Section 19(1); Section 19(2)