LONG SERVICE LEAVE CANON 2010

Canon 7, 2010[1] as amended by
Canon 13, 2017[2]
Canon 14, 2017
Canon 5, 2022
Canon 12, 2026

The General Synod prescribes as follows:

Title

1. This canon may be called the "Long Service Leave Canon 2010".

Commencement

2. (1) This Canon comes into operation on the first day of January next following the receipt by the General Secretary of General Synod of notices that it has been assented to by Ordinance of each of the dioceses that are participating dioceses under the Long Service Leave Canon 1992-1995 (the "**Former Canon**") (in this Canon called "**the date of commencement**").

(2) When the General Secretary of General Synod has received the necessary notices of assent for the purpose of sub-section (1), the General Secretary of General Synod shall notify as soon as possible each diocese of the date of commencement.

The Board

3. The Long Service Leave Board established by the Former Canon continues in existence under and subject to this Canon and the Schedule to this Canon.

The Fund

4. The Long Service Leave Fund maintained under the Former Canon continues in existence under and subject to this Canon and is in this Canon called "**the Fund**".

Repeal

5. The Former Canon, the Long Service Leave (Amendment) Canon 2001 and the Long Service Leave Canon 2007 are repealed except that (save as provided in this Canon expressly or by necessary implication) all persons things and circumstances appointed or created by or under the Long Service Leave Canon 1966-1987 ("the Initial Canon") or the Former Canon or existing or continuing under them immediately before the date of commencement under and subject to this Canon and the Schedule continue to have the

---

1 Canon 7, 2010 came into effect on 1 January 2015.
2 Canon 13, 2017 came into effect on 2 October 2017.

same status operation and effect as they respectively would have had if the Initial Canon and the Former Canon had not been so repealed.

Entitlements

6. The provisions of the Long Service Leave scheme are prescribed in the Schedule.

Amendments to Schedule

7.[3] (1) The Standing Committee of General Synod

(a) may make regulations relating to the general operation of this Canon;

(b) may, with the consent of all five metropolitans and the Primate (if not a metropolitan), make such regulations amending the Schedule as the Standing Committee considers necessary for the purpose of ensuring that its provisions are consistent with legislation enacted by the Commonwealth, a State or Territory and applicable to the subject matter of this Canon and the Schedule; and

(c) may, with the consent of all five metropolitans and the Primate (if not a metropolitan), make regulations amending parts V to VIII of the Schedule.

(2) Regulations made under subsection (1)(c) must first have been provided to participating dioceses and organisations for a period of at least 45 days with the opportunity to comment during that time.

(3) A regulation made under sub-section (1)(b) or under sub-section (1)(c)—

(a) must be tabled at the next ordinary session of General Synod; and

(b) continues to operate unless disallowed by a decision of that ordinary session.

(4) The disallowance of a regulation under subsection (3) does not invalidate or affect anything done or contracted to be done under that regulation before it was disallowed.

8.[4] Any amendments to the Schedule shall be advised to the participating dioceses and organisations within 30 days of the agreement in clause 7.

Financial Protection Canon

9. The Corporation referred to in the Schedule is declared to be an Organisation to which the Financial Protection Canon 1995 applies.

---

3 Amended by Canon 12, 2026.
4 Amended by Canon 12, 2026.

SCHEDULE

PART I: INTRODUCTORY

Purpose

1A.[5] The Fund exists to provide Participating Dioceses and Participating Organisations assured funding of portable long service leave for their clergy and other eligible churchworkers.

Definitions

1. (1) Under this Schedule or in any regulation made pursuant to the provisions of this Schedule except in so far as the context or subject matter otherwise requires or indicates-

Board means the Long Service Leave Board constituted under Part II of this Schedule;

Church means the Anglican Church of Australia;

Commencement Date means the date of commencement of the Long Service Leave Canon 2010;

Corporation means the company limited by guarantee incorporated under the law of Victoria under the name Anglican Long Service Leave Fund Limited;

[6]**Elected Board Member** means a Board member holding a position referred to in section 3(2)(a), (b) or (c);

Eligible Charity means an institution, fund or trust established and maintained for the advancement of religion or other public charitable purposes the income of which is exempt from income tax in Australia;

Former Canon means the Long Service Leave Canon 1992 -1995;

Fund Year means a period of 12 months ending on the 31st day of December, or on such other date as the Board may determine, and includes, if the Board determines another date, such period more or less than 12 months as the Board determines;

Initial Canon means the Long Service Leave Canon 1966-1987;

---

5 Added by Canon 12, 2026.
6 Added by Canon 12, 2026.

Member of the Clergy means –

(i) a bishop of a diocese;

(ii)[7] a person in holy orders holding a licence of the bishop of a diocese;

[8]***

(iv) a person in holy orders on missionary service;

(v) for the purposes of this Schedule, in relation to a diocese the synod of which so resolves, a person licensed by the bishop of the diocese to exercise the office of deaconess in that diocese; or

(vi) the Bishop to the Defence Force and Defence Force chaplains in holy orders;

Notional Stipend means notional annual stipend within the meaning of section 41;

Ordinary Stipend in relation to a participant means stipend or salary at the rate paid to the participant immediately preceding the date on which the participant enters or is deemed to enter upon long service leave;

Parish includes any parochial district, or similar pastoral division constituted by or under ordinance of the synod of a diocese;

Participant means-

(i) a member of the clergy in receipt of an ordinary stipend; or

(ii) a person employed by a participating diocese or participating organisation who:

(a) with the consent of the Board is nominated as a participant by the participating diocese or participating organisation; or

(b) is a member of a class of people defined with the consent of the Board as a participant by the participating diocese or participating organisation;

for the purposes of this Schedule;

---

7 Amended by Canon 12, 2026.

8 Paragraph (iii) omitted by Canon 12, 2026.

Participating Diocese means –

(i) a diocese of the Church which was a participating diocese for the purposes of the Initial Canon or the Former Canon; and

(ii) a diocese of the Church admitted under Part V of this Schedule to be a participating diocese;

Participating Organisation means –

(i) an organisation which was a participating organisation for the purposes of the Initial Canon or the Former Canon; and

(ii) an organisation admitted under Part V of this Schedule to be a participating organisation;

Proper Officer in relation to a participating organisation, means the person particulars of whose office, name and address are furnished to the Board by the participating organisation as those of the proper officer for the time being of the organisation for the purposes of this Schedule;

Qualifying Service means qualifying service within the meaning of section 34;

Quarter[9] means a period of three months ending on the last day of March, June, September or December;

Revised Entitlement Date[10] means the last day of the quarter in which the *Long Service Leave (Revision of Entitlement) Canon 2017* comes into force;

Sabbatical Allowance[11] means an allowance paid to a participant to assist with the cost of taking leave or otherwise payable as set out in this Schedule;

Service means paid service in a full time or part time capacity as a participant;

(i) in a diocese of the Church or in a diocese which was formerly part of the Church;

(ii) as a missionary being service which the Board with the approval of the Standing Committee prescribes either generally or in a particular case to be or to have been missionary service; or

(iii) as an employee of a participating organization and includes any period during such service of annual holiday leave or of furlough and any period of long service leave under the Initial Canon and/or Former Canon or this Schedule, and "serve" and "serving" have corresponding meanings; and

---

9 Added by Canon 13, 2017 which came into effect on 2 October 2017.
10 Added by Canon 13, 2017 which came into effect on 2 October 2017.
11 Amended by Canon 5, 2022 which came into effect on 11 May 2022.

Standing Committee means the Standing Committee of General Synod.

Terminal Medical Condition[12] means an illness suffered by the participant or an injury to the participant that is likely to result in the participant's death within 24 months of the date of certification by two registered medical practitioners who certify, jointly or separately, to that effect, where at least one of the registered medical practitioners is a specialist practising in an area related to the participant's illness or injury and the certification period has not ended for each of the certificates.

(2) Except in so far as the context or subject matter otherwise requires or indicates, words importing the singular number include the plural number and vice versa and words importing the masculine gender import the feminine and except for the word "**deaconess**", words importing the feminine gender import the masculine.

(3) Headings of parts of this Schedule are deemed to be part of this Schedule but the headings to sections and any footnotes are not.

PART II: THE BOARD

The Board

2. For the purposes of this Schedule there is a Board called the Long Service Leave Board.

Membership

3.[13] (1) A person who—

(a) has been declared by any competent court incapable of managing their affairs;

(b) is an undischarged bankrupt;

(c) is or has been in the preceding 12 months disqualified from managing corporations under the *Corporations Act 2001* (Cth); or

(d) is or has been in the preceding 12 months suspended or removed from being a responsible entity of a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012* (Cth)—

may not be become or remain a member of the Board.

---

12 Added by Canon 5, 2022 which came into effect on 11 May 2022.

13 Subsections 3(1) and (2) Amended by Canon 12, 2026.

(2) The Board comprises—

(a) 1 member of the House of Bishops;

(b) 2 members who are in Holy Orders and are eligible to be clerical representatives of a diocese under section 17(5) of the Constitution;

(c) 4 members who are eligible to be lay representatives of a diocese under section 17(6) of the Constitution; and

(d) up to 2 members appointed by the Board for a term of up to 3 years.

(2A)[14] A member of the Board referred to in paragraphs (a), (b) or (c) of subsection (2) must be elected at an Ordinary Session of General Synod by the House of which that person is a member or is eligible to be a member.

[15]***

(5) The members elected by the House of Clergy, and the members elected by the House of Laity, respectively, shall determine among themselves which member elected by the House of Clergy and which 2 members elected by the House of Laity paragraph 3(4)(a) shall apply to and, failing determination within 1 month after the date of commencement, the General Secretary of General Synod shall make the determination by lot.

(6) Subject to sub-section 3(4):

(a) a member of the Board elected by the House of Bishops holds office until the ordinary meeting of General Synod next following the election of the member; and

(b) a member of the Board elected by the House of Clergy or House of Laity holds office until the second ordinary session of General Synod next following the election of the member.

(7) A member of the Board is eligible for re-election.

Vacancies

4. (1) A member of the Board ceases to hold office if the member –

(a) resigns;

(b) dies;

(c)[16] becomes ineligible to remain a member under section 3(1);

---

14 Sub section (2A) added by Canon 12, 2026.
15 Sub sections 3 and 4 of section 3 repealed by Canon 12, 2026.
16 Amended by Canon 12, 2026.

(ca)[17] if elected under section 3(2)(a) or 3(2)(b), ceases to be in holy orders;

(d) fails to attend three successive meetings of the Board without leave of the Board; or

(e) is removed by resolution of the Standing Committee.

(2)[18] The Standing Committee by resolution may at any time –

(a) remove an elected Board member from office; or

(b) fill a vacancy which occurs in an office of elected Board member.

(3) If a vacancy is filled by the Standing Committee under sub -section (2) the office of a member of the House of Bishops must be filled by a member of the House of Bishops, the office of a member of the House of Clergy must be filled by a member of the House of Clergy and the office of a lay member must be filled by a lay member of this Church.

(4) A vacancy or the omission to fill a vacancy does not affect the acts or authority of the Board.

(5)[19] A person appointed to fill a vacancy under this section holds office for the balance of the term of the person being replaced.

Chair

5. (1) The Board at its first meeting after each General Synod must elect from among its members a person to occupy the chair.

(2)[20] In the absence of that person from a meeting of the Board the members present must elect from among themselves some other person to occupy the chair for that meeting.

Quorum

6. The quorum for a meeting of the Board is 5 members.

Functions

7. The functions of the Board are the management and control of the Fund and any other functions which this Canon or the regulations require to be performed, and does not vest in some other body or person.

---

17 Added by Canon 12, 2026.
18 Amended by Canon 12, 2026.
19 Amended by Canon 12, 2026.
20 Amended by Canon 12, 2026.

Powers

8. (1) The Board in performance of the functions vested in it by this Schedule has such powers as –

(a) are necessarily incidental to or convenient for the due performance of those duties; or

(b) are expressly vested in the Board by this Schedule.

(2) The Board may employ as agents and pay –

(a)[21] any accountant, actuary, banker, barrister, solicitor, computer systems analyst, estate agent, financial adviser, fund manager, insurance broker, stockbroker, tax agent or other professional person; or

(b) any suitably qualified organisation;

to perform any function of the Board under the Long Service Leave Canon 2010 and this Schedule.

Rules and Regulations

9. (1)[22] Subject to Part IV of this Schedule the powers of the Board include the power by resolution of the Board to make rules and regulations not inconsistent with this Schedule and necessary or convenient to be made for giving effect to this Schedule.

(2) Upon making a rule or regulation the Board must cause notice of its terms to be given to the Standing Committee, to the Registrar of every participating diocese and to the proper officer of every participating organisation.

(3) On the first day of the first Ordinary Session of General Synod after the making of a rule or regulation a copy of the rule or regulation must be laid before the Synod and it is lawful for the Synod at that session to disallow it, but disallowance by Synod does not invalidate or affect anything done or contracted to be done under a rule or regulation before its disallowance.

(4) The Standing Committee may disallow a rule or regulation made by the Board at the first meeting of the Standing Committee after notice is given under sub-section (2) but the disallowance does not in validate or affect anything done or contracted to be done under a rule or regulation before its disallowance.

(5) Upon disallowance by General Synod or the Standing Committee of a rule or regulation made under this Schedule the Standing Committee must cause notice of the disallowance to be given to the Board, to the Registrar of every participating diocese and to the proper officer of every participating organisation.

---

21 Amended by Canon 12, 2026.

22 Amended by Canon 12, 2026.

(6) Where a rule or resolution is disallowed, any other rules or resolutions made by the Board have effect as if the disallowed rule or resolution had never been made.

Actuarial Advice

10. No power or duty of the Board which entails actuarial knowledge, calculation or judgment may be exercised without obtaining and considering the advice of the Actuary.

Discretions

11. Subject only to this Schedule, the Board in exercise of the authorities, powers and discretions vested in it under this Schedule has an absolute discretion and –

(a) may exercise all or any of its powers, authorities and discretions from time to time; or

(b) (except so far as it may be necessary to give effect to any legal or enforceable rights of any person) may refrain from exercising all or any of its authorities, powers and discretions from time to time or at all.

Declaration of Interest

12. (1)[23] A member of the Board who—

(a) is or becomes in any way, whether directly or indirectly, interested in a contract or proposed contract with the Corporation; or

(b) holds an office or possesses property whereby whether directly or indirectly duties or interests might be created in conflict with that member's duties as a member of the Board—

must as soon as practicable after the relevant facts have come to that member's knowledge declare the facts nature and extent of the interest or conflict at a meeting of the Board.

(2) That member must not for so long as the interest exists or the conflict is possible vote on any resolution of the Board touching that contract or property or office without the consent of all of the other members of the Board present.

(3) The requirements of the preceding paragraphs or sub-sections of this section do not apply in any case where the interest consists only of –

(a) an interest in a contract or proposed contract with the Corporation if the interest of the member of the Board may properly be regarded as not being a material interest;

(b) that member's interest as a participant; or

---

[23] Amended by Canon 12, 2026.

(c) being an honorary office holder in an organisation or corporation with which the Corporation contracts.

Indemnity

13. (1) A person is entitled to be indemnified out of the Fund for any personal liability incurred by that person while acting within the authority conferred by this Schedule upon him or her as a member of the Board or officer or other appointee of the Board unless the personal liability is occasioned by that person's own dishonesty or by his or her wilfully and knowingly being a party to an act resulting in the personal liability.

(2) In relation to a person mentioned in sub -section 13 (1) the expression "**personal liability**" means liability for –

(a) any of his or her acts, receipts, neglect or default or those of any other Board member, officer or other appointee of the Board;

(b) involuntary loss or misapplication of the Fund or of any entitlement payable from the Fund;

(c) any loss which results from the insufficiency of any security or from any investment made by the Board in good faith; or

(d) any loss brought about by a person or organisation employed under section 8 to perform a function of the Board in performing that function.

Money

14. (1) The Board must collect, and pay promptly into a bank, in the name of the Fund, all money paid to the Fund.

(2)[24] The Fund must be applied by the Board in accordance with this Schedule but the expenses of the Board and of the management of the Fund are a first charge on the Fund.

(3) A member of the Board or officer or other person appointed by the Board is entitled to be reimbursed or to have paid or discharged out of the Fund all expenses properly incurred in the performance of the duties of his or her office.

Financial Statements and Audit

15. The Board must –

(a) keep account of all money received by and disbursed from the Fund and all dealings in connection with that money;

---

[24] Amended by Canon 12, 2026.

(b) keep appropriate records and accounts in proper order, and make suitable arrangements for their custody and for custody of documents relating to the investments;

(c) prepare or have prepared as soon as practicable after the end of each Fund Year financial statements consisting of a balance sheet as at the end of the Fund Year and a statement of income and expenditure for that Fund Year;

(d) have the financial statements of the Fund audited by an auditor appointed by the Board; and

(e) require a report to be given to the Board by the auditor in respect of each such audit.

Reporting

16. (1) The Board must once at least in every year have copies of the audited financial statements together with a short report of the Fund's operations for the year provided to –

(a) the Standing Committee;

(b) the Bishop and Registrar of every participating diocese; and

(c) the proper officer of every participating organisation.

(2) A report of the proceedings of the Board since the previous Ordinary Session of General Synod together with a copy of all financial statements and reports under sub-section 16(1) made since that Session must be laid before each Ordinary Session of General Synod.

Limit of Payment

17. Notwithstanding anything in this Schedule the Board is not bound to make any payment except out of funds held by it for the purposes of this Schedule.

Insufficient Funds

18.[25] In the event of an assessment by the Board's Actuary or the Board's investment adviser that the current financial position of the funds held by the Board is such that meeting all current payments in full will adversely affect either the stability or value of the remaining funds to the significant detriment of other participants in the fund:

(a) the Board may delay payments or make such payments that it considers prudent in the circumstances; and

(b) the Board must give notice under 9(2) of the rule, regulation or motion of the Board giving effect to any decision made under 18(a); and

(c) the process of review and disallowance provided for under 9(3) to 9(6) applies.

---

25 Amended by Canon 12, 2026.

PART III: THE CORPORATION

Appointment

19. So far as the Corporations Act 2001 permits, the Board of the Fund must procure at all times that under the Memorandum and Articles of Association of the Corporation –

    (a) there must be not less than 5 members of the Corporation;

    (b) except as provided in paragraph 19(a) the number of members of the Corporation always equals the number of members of the Board of the Fund;

    (c) the members of the Corporation are those persons who from time to time are the members of the Board of the Fund and have consented to be members of the Corporation;

    (d) only persons who are members of the Corporation are eligible to be directors of the Corporation and all members of the Corporation are directors of the Corporation; and

    (e) a person who ceases to be a member of the Board of the Fund ceases to be a member of the Corporation.

Removal of Members

20. So far as the Corporations Act 2001 permits, the Board of the Fund must procure at all times that under the Memorandum and Articles of Association of the Corporation a member of the Corporation who –

    (a) is continuously absent from the Commonwealth of Australia for more than 3 months without the consent of the remaining members of the Corporation;

    (aa)[26] dies;

    (b) resigns;

    (c) fails to attend 3 successive meetings of the Directors of the Corporation without leave of the Board of the Corporation;

    (d)[27] becomes and remains an undischarged bankrupt;

    (e) in the opinion of the remaining members of the Corporation or a majority of them otherwise becomes incapable or unworthy of acting; may be removed from office by the remaining members of the Corporation at a meeting of which 14 days' notice has been given to that member wherever resident and to all other members of the Corporation for the time being in the Commonwealth of Australia.

---

26 Added by Canon 12, 2026.

27 Amended by Canon 12, 2026.

Powers of Investment and Borrowing

21. (1) The Corporation acting upon the direction of the Board of the Fund has power –

(a) to invest the assets of the Fund;

(b) to vary or realise those investments; and

(c) to underwrite or sub-underwrite the issue of any investments authorised under this Schedule.

(2) The Corporation acting upon the direction of the Board of the Fund has power from time to time to borrow, or maintain an existing borrowing of money, whether by way of a secured or unsecured loan with a bank or other institution.

Duty of Investment

22. Subject to –

(a) the direction of the Board of the Fund; or

(b) the direction (if any) of –

(i) General Synod; or

(ii) the Standing Committee;

the Corporation must invest such part or the whole of the Fund in such names in such manner and subject to such conditions as the Board of the Fund in its sole discretion determines.

PART IV: THE ACTUARY

Appointment

23. The Board must appoint an Actuary with appropriate qualifications and experience.

24.[28] The Actuary holds office for a term of 3 years or such lesser period as is specified by the Board but is eligible for re-appointment.

Actuarial Responsibilities

25. (1) The Board must cause actuarial investigations of the affairs of the Fund to be made at such intervals not exceeding 3 years as may be decided by the Board.

(2) An actuarial report must be given to the Board in relation to each investigation referred to in sub-section 25(1).

---

[28] Amended by Canon 12, 2026.

(3) Arising from an actuarial investigation the Board may make, alter or rescind rules or regulations under section 9 relating to benefits payable to participants.

(4) The Actuary must give advice to the Board upon the request of the Board and may give advice at other times.

PART V: CONTRIBUTIONS

Additional Participating Dioceses

26. Where the synod of a diocese which is not then a participating diocese adopts this Schedule, the Board may admit the diocese to be a participating diocese upon such terms and conditions (including terms as to retrospectivity) as the Board with the advice of the Actuary may determine.

Participating Organisation

27. (1)[29] An organisation which engages 1 or more members of the clergy and agrees to the terms and conditions of participation (including terms as to retrospectivity) in the scheme of this Schedule, upon application to and approval by the Board, becomes a participating organisation.

(1A)[30] On receiving an application from an organisation to become a participating organisation under sub-section (1), the Board must notify, and consider any advice relevant to the responsibilities of the Board under that sub-section from, the bishop of each diocese in which a member of the clergy who is engaged by the organisation is licensed or resides and the bishop of any other diocese in which the organisation is expected to function.

(2) A participating organisation may make contributions to the Fund on the account of any participant. Contributions must be of the amount and made at the times which would be appropriate if that participant were rendering qualifying service in a participating diocese.

Amount of Contributions

28. Subject to any direction of the General Synod or of the Standing Committee the rate of annual contribution for the purpose of this Schedule –

(a) must be set by the Board; and

(b) applies from the following first day of January.

---

29 Amended by Canon 12, 2026.

30 Added by Canon 14, 2017 which came into effect on 6 September 2017.

Responsibility for Contributions

29. (1) This section applies to a parish institution or organisation (not being a participating organisation) in a participating diocese which is responsible for the payment of the stipend or salary of any participant rendering qualifying service in that diocese, unless the diocese determines to the contrary.

(2) Where this section applies the parish institution or organisation must pay to the proper officer of the diocese in respect of each day during which it is responsible for the payment of the stipend or salary of the participant an amount equal to a 365th part of the annual contribution fixed under section 28.

Payment of Contributions to Diocese

30. Each amount payable to a diocese under section 29 is payable at such times and in such manner as the diocese prescribes.

Payment of Contributions to the Fund

31. (1)[31] Unless some other agreement between the Fund and a participating diocese or participating organisation is in place, each participating diocese or participating organisation must pay a contribution to the Fund within 14 days of the last day of the months of March, June, September and December in each year in respect of each participant receiving stipend or salary as a member of that diocese or organisation who has rendered qualifying service in that diocese or organisation during the whole or any part of the quarter ending on that day. The contribution must be so much of the annual contribution fixed under section 28 of this Schedule as is apportionable to the number of completed days of the member's qualifying service so rendered during the quarter.

(2) In the event of payments not being made within the time limit in sub –section 31(1) interest on the late payment calculated on a daily basis at a rate set by the Board from time to time may be charged at the discretion of the Board.

PART VI: ENTITLEMENTS

General

32.[32] (1) Subject to this scheme every participant serving in a participating diocese or with a participating organisation is entitled to long service leave on his or her ordinary stipend or salary.

(2)[33] The participating diocese or participating organisation with which the participant is currently serving in a paid capacity is responsible for the long service leave entitlements of the participant and for making an application to the Fund for moneys held by the Fund equivalent to the service of the participant less any service that has been previously paid.

---

31 Amended by Canon 12, 2026.
32 Amended by Canon 12, 2026.
33 Added by Canon 12, 2026.

Amount of Long Service Leave

33. (1)[34] The amount of Long Service leave entitlement for a participant is—

(a) on completion of 10 years of qualifying service, an amount of long service leave calculated:

(i) at the rate of 1 week for each year of qualifying service in respect of each period of qualifying service prior to the Commencement Date; and

(ii) at the rate of 1.3 weeks for each year of qualifying service in respect of each period of qualifying service from and after the Commencement Date until and including the Revised Entitlement Date; and

(iii) at the rate of 1 week for each year of qualifying service in respect of each period of qualifying service after the Revised Entitlement Date;

(b) subject to sub-clause 35(2), for each subsequent period of qualifying service, an amount of long service leave calculated:

(i) at the rate of 1 week for each year of qualifying service in respect of each period of qualifying service prior to the Commencement Date; and

(ii)[35] at the rate of 1.3 weeks for each year of qualifying service in respect of each period of qualifying service from and after the Commencement Date until and including the Revised Entitlement Date; and

(iii)[36] at the rate of one week for each year of qualifying service in respect of each period of qualifying service after the Revised Entitlement Date;

(c) on completion of a period of qualifying service fixed by the Board under sub-section (3), a period of leave fixed by the Board under sub–section (3).

(2)[37] Sub-section (3) applies—

(a) where in the opinion of the Board:

(i) the relevant circumstances of a participant are abnormal; and

(ii) it would be to the disadvantage of the participant for subsection (3) not to apply; or

(b) where legislation in the relevant jurisdiction provides for a qualifying period of less than 10 years.

---

34 Added by Canon 13, 2017 which came into effect on 2 October 2017 and amended by Canon 12, 2026.
35 Added by Canon 13, 2017 which came into effect on 2 October 2017.
36 Added by Canon 13, 2017 which came into effect on 2 October 2017.
37 Amended by Canon 12, 2026.

(3) Where this sub-section applies the Board may fix –

(a)[38] a period of qualifying service of less than 10 years where the participant has not completed 10 years qualifying service; and

(b) a period of long service leave to which the participant is entitled upon completion of the period fixed under paragraph 33(3)(a).

(4) Where long service leave has been taken by a participant the participant's long service leave entitlement is reduced accordingly.

[39]***

Qualifying Service

34. (1) Qualifying service means –

(a) service at any time whether before or after Parts II and III of the Initial Canon came into force –

(i) in a diocese the synod of which resolved before or within 12 months after the coming into force of those Parts that the diocese participate in the scheme of the Initial Canon; and

(ii) in that part of the Diocese of Carpentaria which became the Diocese of the Northern Territory by virtue of the Diocese of the Northern Territory Formation Canon of 1966;

(b) service at any time after Parts II and III of the Initial Canon came into force-

(i) in any other diocese after that diocese has become a participating diocese; or

(ii) in a participating organisation after that organisation has become a participating organisation.

(2) Notwithstanding any other provisions of this Schedule, in calculating the length of qualifying service of any participant the following must not be taken into account –

(a) any excess over 15 years' service rendered before Parts II and III of the Initial Canon came into force;

(b) any service rendered after Parts II and III of the Initial Canon and the Former Canon came into force in respect of which –

(i) the contributions mentioned in Part V have not been paid; or

---

38 Amended by Canon 12, 2026.

39 Sub section 5 omitted by Canon 12, 2026.

(ii) where that service is missionary service, in respect of which there has not been paid to the Fund a sum which corresponds to the aggregate of the contributions which would have been payable in respect of a like period of service in a participating diocese;

(c) any period of service in respect of which leave has been taken or payment made under the provisions of the Initial Canon, the Former Canon, this Schedule or of any other long service leave scheme,

(d) any period of service which is taken into account under any Act of any Parliament award or industrial agreement in calculating an entitlement to leave in the nature of long service leave or payment in lieu of such leave whether the Act award or industrial agreement is made before or after any part of this Schedule came into force. This paragraph does not apply however in calculating the length of qualifying service of any participant who has made application under sub -section 34(3).

(3) (a) When on a particular date a participant has –

(i) begun to render qualifying service; or

(ii) resumed rendering qualifying service; the participant may make application to the Board to be deemed to have begun or resumed rendering that service on an earlier date.

(b) The Board, acting upon actuarial advice, may determine a date from which and conditions (including conditions as to payment of contributions in respect of the period between the last mentioned date in paragraph 34(3)(a) and the first mentioned date) subject to which the applicant under paragraph 34(3)(a) is deemed to have begun or resumed rendering qualifying service as the case may be.

(c) In making a determination under paragraph 34(3)(b) the Board –

(i)[40] must take into account any period of less than 10 years qualifying service which ended less than 5 years before the date of the determination; and

(ii) may take into account any period of less than 10 years qualifying service which ended 5 or more years before the date of the determination;

in respect of which the participant has not under the Initial Canon, the Former Canon or this Schedule taken leave or received payment.

---

40 Amended by Canon 12, 2026.

(d) The Board is not required to maintain a record of qualifying service for more than five years after the qualifying service ceases to be rendered by reason only of –

(i) anything in this sub-section; or

(ii) the qualifying service having been rendered (wholly or partly) before the commencement of this Schedule.

Where any such record has existed, but no longer exists, the Board –

(iii) may still determine a date under paragraph (b); and

(iv) if it sees fit may at any time reconstruct the record to its satisfaction and rely on the reconstructed record.

Periods of Leave

35. (1)[41] Leave may be granted and taken in one continuous period or, if the participant and the diocese or participating organisation so agree, in separate periods.

(2) Any period of leave granted pursuant to sub-section (1) must be comprised of complete weeks each comprised of 7 days.

Annual Holidays Excluded

36.[42] Long service leave taken under this Schedule is exclusive of annual holidays and public holidays applicable to a participant's usual service but is inclusive of all other days off occurring during the leave.

When Leave to be Taken

37. Where a participant has become entitled to long service leave under this Schedule the leave must be given and the participant must take the leave –

(a) where the participant is serving in a participating diocese, as soon as practicable having regard to the needs of the diocese in which the participant is serving except that after an entitlement to leave has accrued the diocese and the participant may agree that the taking of the leave be postponed until an agreed date; or

(b) where the participant is not serving in a participating diocese or is serving in a participating organisation, as soon as practicable having regard to the needs of the Church or the participating organisation.

---

41 Amended by Canon 13, 2017 which came into effect on 2 October 2017; further amended by Canon 12, 2026.

42 Amended by Canon 12, 2026.

Priority as Between Participants

38. Participating dioceses and participating organisations determine the order in which participants entitled to long service leave take that leave but, in determining that order, ordinarily must give priority to those who have rendered the longest qualifying service.

Notice of Leave

39.[43] Each participant must give to the participating diocese or participating organisation, unless that participating diocese or participating organisation otherwise agrees, at least 3 months' notice of the date from which it is proposed that the participant's long service leave shall be given and taken.

PART VII: NATURE OF SERVICE

40. (1) Every participating diocese or participating organisation must advise the Board if a participant begins or concludes part-time service.

(2) Where a participating diocese or participating organisation advises the Board in accordance with sub-section 40 (1) they shall advise the Board of the equivalence of that service to full -time service in that participating diocese or participating organisation.

(3) Any payment or apportioned payment made by the Board in relation to a participant on part-time service shall be pro-rated in accordance with the advice given by the participating diocese or participating organisation in accordance with sub-section 40 (2).

PART VIII: PAYMENT

Notional Stipend

41. (1) The Standing Committee acting upon the advice of the Board may from time to time determine –

(a) a notional annual stipend in respect of all participants expressed as a sum per annum; or

(b) a notional annual stipend as so expressed in respect of each of two or more categories of participants determined by the Standing Committee on the advice of the Board; effective from the next first day of January.

---

[43] Amended by Canon 12, 2026.

Sabbatical Allowance

42. (1) In respect of each day of long service leave actually taken the rate at which sabbatical allowance is payable is:

(a) subject to paragraph 42(1)(b) a rate per day equal to 35.5% of a 365th part of the notional stipend pro-rated for the nature of service; or

(b) if the Standing Committee, acting on the advice of the Board, fixes another rate per day, the rate so fixed for the time being.

Normal Payment

43. (1) Where a participant whose salary or ordinary stipend is paid by a participating diocese, by a parish, institution or organisation in a participating diocese or by a participating organisation, enters upon a period of long service leave –

(a) the participant must be paid his or her salary or ordinary stipend in respect of that period of leave either –

(i) in a single payment when the participant enters upon the period of leave; or

(ii) at the time or times at which the participant's salary or stipend would have been paid if he or she had not taken leave.

(b) (i) the Board must pay to the diocese in which the participant was serving or the participating organisation by which the participant was employed immediately before he or she entered upon the leave a sum equal to so much of the notional annual stipend as is apportionable to that period of leave and pro-rated for the nature of service.

(ii) where the salary or ordinary stipend of the participant is not paid by the diocese itself the diocese must remit that sum to the parish institution or organisation by which such salary or stipend is paid; and

(c) the Board in addition must pay to the diocese or participating organisation a sabbatical allowance in respect of that period of leave and pro-rated for the nature of service and that sabbatical allowance must be paid in full to the participant.

(2) Upon a payment being made by the Board under this section the liability of the Fund in respect of the participant for whose benefit it is paid is discharged to the extent of that payment.

Payment Direct to Participant

44. (1) Where a participant whose ordinary salary or stipend is not paid by a participating diocese, by a parish institution or organisation in a participating diocese or by a participating organisation enters upon a period of long service leave the Board must pay directly to the participant so much of the notional annual stipend as is apportionable to the period of that leave and pro-rated for the nature of service and a corresponding sabbatical allowance.

(2) The Board may make the payment under sub-section 44(1) conditional upon the participant entering into such an agreement with it relating to the acceptance by the participant of other payments in the nature of stipend salary or wages or the like as the Board deems proper.

Payment in lieu on Death or Terminal Medical Condition[44]

45. (1)[45] When the qualifying service of a participant terminates by reason of the participant's death or terminal medical condition then an amount for each period of service is to be paid, equal to –

(a) one week for each year of qualifying service performed prior to the Commencement Date; and

(b) 1.3 weeks for each year of qualifying service performed on or after the Commencement Date until and including the Revised Entitlement Date; and

(c) one week for each year of qualifying service performed after the Revised Entitlement Date –

of the notional stipend current at the date of the participant's death or termination of the qualifying service due to the participant's terminal medical condition together with a proportionate payment for any incomplete year of qualifying service rendered.

(2) The amount payable under sub-section 45(1) –

(a)[46] is to include the sabbatical allowance; and

(b) is payable to such person or persons as the Board determines.

Payment in Lieu on Resignation or Retirement

46. (1)[47] When the qualifying service of a participant terminates other than by reason of the participant's death or terminal medical condition and –

(a) the participant has completed at least 5 years qualifying service; and

(b) subsection 33(3) does not apply –

then the participant is to be paid an amount equal to –

(c) one week for each year of qualifying service performed prior to the Commencement Date; and

(d) 1.3 weeks for each year of qualifying service performed on or after the Commencement Date until and including the Revised Entitlement Date; and

---

44 Amended by Canon 5, 2022 which came into effect on 11 May 2022.

45 Added by Canon 13, 2017 which came into effect on 2 October 2017; amended by Canon 5, 2022 which came into effect on 11 May 2022; further amended by Canon 12, 2026.

46 Amended by Canon 5, 2022 which came into effect on 11 May 2022.

47 Added by Canon 13, 2017 which came into effect on 2 October 2017; amended by Canon 5, 2022 which came into effect on 11 May 2022.

(e) one week for each year of qualifying service performed after the Revised Entitlement Date –

of the then current notional stipend and pro-rated for the nature of service together with a proportionate payment for any incomplete year of qualifying service rendered and pro-rated for the nature of service.

(2) The amount payable under sub-section 46(1) is not to include a sabbatical allowance.

Payment to Another Fund

47. (1) Where the participating diocese or organisation which contributes in respect of a participant gives notice to the Board under this section then at the expiration of three months from the date of giving notice the Board is empowered to exercise its discretion under sub -section 47(2) as if the participant had resigned at the expiration of the period of three months.

(2) Where a participant resigns and the Board satisfies itself –

(a) that the participant intends to continue or resume employment under conditions of employment where contributions are to be made to another fund or organisation whose constitution and rules for the payment of benefits are similar to those of the Fund ("the other Fund"); and

(b) that employment is, or will become, available to the participant to take up;

the Board in its discretion, exercisable at any time before payment is made under this Part, may decide that this section applies, whether or not the participant has completed 10 years of qualifying service.

(3) If the Board decides that this section applies section 46 does not.

(4) Where this section applies and –

(a) the participant has completed 10 years or more of qualifying service; or

(b) the participant had not completed 10 years of qualifying service but has completed a period of less than 10 years qualifying service fixed under sub-section 33 (3);

the Board must pay the amount payable under this section either to the other fund or to the participant, as the Board sees fit.

(5) Where this section applies but the participant has not completed 10 years or more of qualifying service or a period of less than 10 years qualifying service fixed under sub-section 33 (3), the Board at its sole discretion may fix the participant's completed service as qualifying service under sub-section 33 (3), and must pay the amount payable under this section to the other fund.

(6)[48] The amount payable under this section is an amount equal to –

(a) one week for each year of qualifying service performed prior to the Commencement Date; and

(b) 1.3 weeks for each year of qualifying service performed on or after the Commencement Date until and including the Revised Entitlement Date; and

(c) one week for each year of qualifying service performed after the Revised Entitlement Date –

of the then current notional stipend and pro-rated for the nature of service together with a proportionate payment for any incomplete year of qualifying service rendered and pro-rated for the nature of service.

(7) The Board may at any time before payment is made under this section revoke its decision, in which case this section no longer applies and section 46 once again applies.

PART IX: GENERAL

Relationship with Participant

47A.[49] (1) Nothing in this Schedule is to be taken as creating an employment relationship or some other similar relationship between the Fund and a participant or former participant.

(2) An employment relationship, any terms of appointment, or a contract or any other relationship recognized by or enforceable at law between a participant and a diocese or participating organization, whether or not written or explicit, is not affected by the provisions of this Schedule.

Winding Up

48. (1) In this section –

"**End Date**" is the date on which the Fund is wound up or dissolved.

"**Liability of the Fund for long service leave benefits**" means the liability of the Fund for long service leave benefits payable under the Canon determined in accordance with applicable Australian Accounting Standards or similar standards applicable from time to time.

"**Successor Fund**" means an entity, fund, authority or institution of similar purpose to the Fund and whose constitution or trust deed and rules for the

---

48 Added by Canon 13, 2017 which came into effect on 2 October 2017.

49 Added by Canon 12, 2026.

payment of benefits are as nearly as possible similar to those of the Fund, and which is an Eligible Charity.

"**Surplus Assets**" means, in respect of the Fund as at the End Date, the assets, property or money of the Fund, remaining after satisfaction of, or provision for, the debts and liabilities of the Fund, other than the liability of the Fund for long service leave benefits.

(2) If –

(a) the Fund is wound up or dissolved for any reason, and

(b) on the End Date there are Surplus Assets of the Fund,

the Surplus Assets are to be paid or transferred in accordance with this section.

(3) The Surplus Assets are to be paid or transferred in accordance with the following provisions –

(a) Each Participating Diocese and Participating Organisation as at the End Date is to nominate to the Board a Successor Fund for that Participating Diocese or Participating Organisation.

(b) If a Participating Diocese or Participating Organisation does not nominate a Successor Fund to the Board within 6 months after request made by the Board, the Successor Fund for that Participating Diocese or Participating Organisation will be determined by the Board with the approval of the Standing Committee.

(c) The Board will pay from the Surplus Assets to the Successor Fund nominated by a Participating Diocese or Participating Organisation an amount ("A") calculated in accordance with the following formula –

$A = B/C \times D$

where –

B is the liability of the Fund for long service leave benefits, which relate to Participants for whom that Participating Diocese or Participating Organisation made or was liable to make contributions to the Fund under section 31(1) for or in respect of the last complete quarter ending on or before the End Date.

C is the liability of the Fund for long service leave benefits, which relate to all Participants for whom Participating Dioceses or Organisations made or were liable to make contributions to the Fund under section 31(1) for or in respect of the last complete quarter ending on or before the End Date.

D is the total value of the Surplus Assets.

(d) If on the End Date a Participating Diocese or Participating Organisation has not paid any contribution for which it is liable under section 31(1), A must be reduced by the amount of any such unpaid contribution.

(4) Each Successor Fund must assume the liability of the Fund for long service leave benefits in respect of the Participants for whom the relevant Participating Diocese or Participating Organisation made or was liable to make contributions to the Fund under section 31(1) for or in respect of the last complete quarter ending on or before the End Date.