

ANGLICAN CHURCH OF AUSTRALIA - DIOCESE OF TASMANIA

REMUNERATION COMMISSION ORDINANCE 1993

An Ordinance to repeal the Remuneration Commission Ordinance 1992 and provide a Remuneration Commission for the Diocese of Tasmania.

BE IT ENACTED by the Bishop, Clergy and Laity of the Diocese of Tasmania in Synod assembled as follows:-

1. This Ordinance may be cited as the Remuneration Commission Ordinance 1993.
2. This Ordinance shall commence on 1 January 1994.
3. The Remuneration Commission Ordinance 1992 is hereby repealed.

The Commission.

4. There shall be established a Commission which shall be called the Diocesan Remuneration Commission.

Appointment of Members and Secretary.

5. (1) The Commission shall consist of up to 5 persons appointed by the Diocesan Council. Subject to sub-section (4) hereof, appointees shall hold office until the end of the third ordinary session of Synod following a Commissioner's appointment. No member of the Commission shall hold office after attaining the age of seventy years.
- (2) Appointees shall be lay persons willing to act, who are not paid members of the Clergy, whether remunerated by stipend or otherwise; or office bearers of any Parish within the Diocese of Tasmania, who are in receipt of any personal income from that source.
- (3) Appointments shall be made by the Bishop on the recommendation of the Diocesan Council.
- (4) Only fit and proper persons of general good character who are able to demonstrate that he or she holds an appropriate qualification in law, industrial relations, commerce, social welfare or such other qualification or long general experience deemed by the Council to be equivalent thereto shall be considered eligible for appointment.
- (5) Following each election, and the appointment of members of the Commission, the Bishop shall appoint one Commissioner to be Chairperson.
- (6) The Commission shall appoint one of its members to be Deputy Chairperson.
- (7) The Commission shall appoint a Secretary and other office bearers deemed necessary.

Resignation and/or Forfeiture of Office.

6. (1) A member may resign office by tendering to the Bishop a signed statement to that effect.

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- (2) The office of a member who has been absent for three consecutive sittings, or who has not attended any sitting of the Commission within the previous seven months (whichever is the earlier) without first having been granted leave of absence shall be declared vacant on advice to that effect being given to the Diocesan Council and the Bishop by the Chairperson or Acting Chairperson as the case may be.
- (3) The Diocesan Council shall fill any casual vacancy that may occur in the membership of the Commission, but an appointee shall hold office only for the unexpired term of the member being replaced.

Jurisdiction and Power

7. The Commission shall have the following powers and functions:-
 - (1) Not less than once in each half year to enquire into and to make or amend determinations as to the minimum stipends, allowances and other remuneration which, subject to this Ordinance, are paid to Clergy who render full time service to parishes and to make determinations as to the stipends, allowances and other remuneration of any other person, whether Clerical or Lay, engaged in activities on behalf of the Anglican Church in the Diocese of Tasmania; and
 - (2) whenever so required by resolution of Synod, or of the Diocesan Council, to make determinations as to the working conditions of any Clergy or Lay persons engaged in activities for, or on behalf of the Anglican Church in the Diocese of Tasmania; and
 - (3) approve agreements.
 - (4) To perform such other functions as required by the Bishop or Diocesan Council, including those incidental to the foregoing; or necessary to protect the efficacy of any determination or agreement.
 - (5) In exercising any of its powers and functions under this section the Commission may determine fair and reasonable periods in which the Clergy, Parishes and any other persons or bodies entitled to address the Commission shall present their respective cases.
 - (6) Subject to this Ordinance, the Commission shall determine its own procedure provided that in the exercise of its jurisdiction it shall act in accordance with equity, good conscience and the substantial merits of the case, without regard for technicalities or legal forms.
 - (7) In the exercise of the powers and functions given to it by this Ordinance the Commission is to have regard to the nature of a Stipend being a financial remuneration to enable the member of the clergy to minister to God and His people without undue encumbrance, and does not relate to level of qualification or perceived value of productivity.

Constitution of Commission.

8. (1) The Commission sitting in General Session shall be constituted by (3) three members, one of whom shall either be the Chairperson or Deputy Chairperson.
- (2) The Commission sitting in Full Session shall be constituted by all (5) five

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members.

- (3) The Chairperson, or in the Chairpersons absence the acting or Deputy Chairperson shall determine absolutely whether or not a matter is of sufficient importance as to warrant the convening of a General Session or a Full Session of the Commission, and shall thereupon assign individual members to constitute either a General or Full Session as the case may require.
- (4) All the power of the Commission may be exercised by a majority of two members, in the case of the Commission sitting in General Session, and by three members in the case of the Commission sitting in Full Session.
- (5) All decisions of the Commission shall be made as recommendations to Diocesan Council who shall be empowered to ratify the decision or refer the decision back to the Commission for reconsideration.
- (6) Where a determination has been referred back to the Commission by the Diocesan Council the Commission shall report the substance of such referral in its report to the next ordinary session of Synod.

Agreements and Determinations Generally.

9. Notwithstanding any other provisions of this Ordinance:

- (1) A determination may stipulate that it shall not apply where there is lodged with the Secretary of the Diocese an agreement in writing, approved of in form and substance by the Commission, and pursuant to which, a person thereby becomes entitled to payment of a stipend, salary, wages or allowances that would otherwise arise under a determination of the Commission, but for that agreement.
- (2) An agreement approved of by the Commission shall take effect from the date stated, and remain in force for the period stipulated in the executed document, or until replaced by another agreement or determination.
- (3) No determination or agreement made or ratified by the Commission shall operate so as to reduce the entitlement of any person to any remuneration or working conditions prescribed by an applicable award, agreement or enterprise agreement of the Australian or Tasmanian Industrial Commissions, howsoever described.
- (4) Every determination of the Commission shall:
 - (a) be in writing,
 - (b) specify the date of commencement and its duration.
- (5) Within fourteen days after making a determination, or approving an agreement, the Commission shall forward to the Bishop a copy of the determination or agreement, together with a statement of reasons for decision and the Bishop shall cause the determination or agreement, with reasons, to be circulated to those responsible for its implementation, or for the information of interested Clergy and of Parish Councils.

Parties and Persons Bound.

10. Subject to sub-section 2 of section 7, a determination or agreement shall have effect

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in accordance with its terms, and shall be binding upon the Clergy, Parish Councils and other named bodies and those responsible for prescribing stipends, allowances, other remuneration or working conditions of Clergy or Lay persons who render service in relation to any activity or undertaking conducted on behalf of the Anglican Church of Australia in the Diocese of Tasmania.

Representation Before the Commission.

11. In proceedings before the Commission Clergy, lay persons, Parish Councils, organisations and bodies affected by the determinations of the Commission are entitled to appear before it and make such submissions and tender such material and evidence as they may be advised, in support of matters of which they have given notice in writing to the Commission.
 - (1) Persons, Parish Council, organisations and bodies whose submissions are to be heard shall (subject to subsection 7 (6)) be notified in writing of the date, time and place of meeting by the Secretary of the Commission not less than one month prior to the meeting at which their submission will be heard.
 - (2) The Bishop shall be an automatic intervenor, either personally or through his representative. He may appear or decline to be represented according to his assessment of the importance of the matter under consideration.

Reference of a Matter for Investigation and Report.

12. In dealing with a matter under consideration, the Commission may, when circumstances make it desirable to do so, refer to a member, or members of the Commission part or parts of a matter for investigation and report, and where required, to make such recommendations as may, under the terms of reference, seem appropriate on the evidence.

On receipt of that report and recommendations (if any) the Commission may, without further evidence, adopt that report as its own and thereupon, after affording the parties an opportunity to be heard, determine the matter either in the terms of the report or otherwise.

Rights of the Bishop

13. Nothing contained in this Ordinance shall derogate the rights and privileges of the Bishop of the Diocese.

Transitional Provisions

14. The present Remuneration Commission and its membership shall continue to exist and to hold office respectively until such time as this Ordinance takes effect.