

Diocesan Stipends Act 1991

No. 11 of 1991

Serial No. 148

Reprinted as at 1 May 2019 incorporating amendments up to No. 5/2016²

Diocesan Stipends Act 1991

AN ACT

to provide for the determination of minimum stipends and for other purposes.

Citation and commencement

- 1 (1) This Act may be cited as the **Diocesan Stipends Act 1991**.
- (2) This section comes into operation when the Archbishop assents to this Act.
- (3) Subject to sub-section (2), this Act comes into operation on the first day of the month next after the end of the first ordinary session of Synod in 1992.
- (4) Despite sub-section (2), sections 2 and 3 come into operation when the Archbishop assents to this Act to the extent necessary to enable elections to be held at the next ordinary session of Synod for the Diocesan Stipends Committee.

Diocesan Stipends Committee

- 2 There shall be a Committee which shall be called the Diocesan Stipends Committee.

Members of Committee

- 3 The Committee shall consist of eight persons of whom—
 - two shall be clerks elected by Synod,
 - four shall be lay persons elected by Synod, and
 - two shall be persons (clerical or lay) appointed by the Archbishop in Council.

Diocesan Stipends Act 1991

Term of office

S.4 substituted by No. 2/2010

- 4 The term of office of a member of the Diocesan Stipends Committee expires—
- (a) in the case of an elected member, on the election of the member's successor; and
 - (b) in the case of an appointed member, on the commencement of the terms of office of members elected at the first ordinary session of a Synod.³

Powers and functions of Committee

- 5 The Committee shall have the following powers and functions:
- (a) Not less than once in every half year to enquire into and to make determinations as to the minimum stipends allowances and other remuneration which, subject to this Act, are to be paid to clergy who render full time service in relation to parishes;
 - (b) Whenever so required by resolution of Synod or of the Archbishop in Council to make determinations as to the stipends, allowances and other remuneration of any other persons, whether clerical or lay, engaged in activities for or on behalf of the Anglican Church in the Diocese of Melbourne; and
 - (c) Whenever so required by resolution of Synod or of the Archbishop in Council to make determinations as to any of the working conditions of any clergy or lay persons engaged in activities on behalf of the Anglican Church in the Diocese of Melbourne.

Proceedings of Committee

5:5A inserted by No. 7/2005

- 5A In exercising its powers and functions the Committee shall have regard to the following:

Diocesan Stipends Act 1991

- (a) the need to provide fair minimum standards for clergy who render full time service in relation to parishes and other persons, whether clerical or lay, engaged in activities for or on behalf of the Anglican Church in the Diocese of Melbourne in the context of living standards generally prevailing in the Australian community;
- (b) economic factors, including levels of inflation, and the desirability of attaining a high level of full time appointments;
- (c) levels of remuneration in other dioceses in the Anglican Church of Australia;
- (d) the need to ensure that the primary responsibility for determining the remuneration of clerical and lay workers rests with the paying authorities at the local level, based upon a foundation of minimum standards;
- (e) the taxation environment for clerical and lay workers; and
- (f) any submissions made from the Provincial dioceses and other interested parties to the Committee.

When determination does not apply

s.6 amended by No. 7/1999

6 Notwithstanding any other provision of this Act -

- (a) a determination may stipulate that it shall not apply where there is lodged with the Registrar of the Diocese an agreement in writing in or to the effect of a form approved by the Archbishop in Council pursuant to which a person to whom payment would otherwise be made under the determination is to receive benefits less advantageous than those prescribed by the determination;
- (b) no determination shall operate so as to reduce the entitlement of any person to any remuneration or working conditions prescribed by any applicable award of the Australian or Victorian Industrial Relations Commission.

Diocesan Stipends Act 1991

Determination to be referred to Archbishop in Council

s.7 amended by Nos. 2/2004 and 7/2005

- 7 (1) Every determination of the Committee shall—
- (a) be in writing,
 - (b) specify a date of commencement of the determination.
- (2) Within fourteen days after making a determination the Committee shall forward to the Archbishop a copy of that determination together with a statement or statements of reasons for the determination and the Archbishop shall refer the determination and the statement or statements to the Archbishop in Council for consideration at the next meeting of the Council.
- (3) The Archbishop in Council may by resolution approve the determination or refer it back to the Committee for review.
- (4) For purposes of sub-section (3), a resolution approving a determination is a resolution —
- (a) approved by a majority of the clerical members of the Council present and voting; and
 - (b) approved by a majority of the lay members of the Council present and voting; and
 - (c) assented to by the Archbishop.
- (5) Nothing in section 19 of the **Council of the Diocese Act 1877** or the rules or by-laws under that Act prevents a member of the Council taking part in the discussion or decision about a determination.

Determination referred back to Committee

Diocesan Stipends Act 1991

- 8 Where a determination is referred back to the Committee, the Committee shall consider the determination in the light of any observations made by the Archbishop in Council and shall:
- (a) confirm the determination in its original form, or
 - (b) make such amendments to the determination as it sees fit.

When determination takes effect

- 9 A determination made under this Act shall take effect on the date specified in the determination provided that such date is:
- (a) a later date than the date of the next ordinary meeting of Archbishop in Council after it was made, or
 - (b) in the case of a determination confirmed or amended pursuant to section 8, a later date than the date on which the Committee confirmed or amended the determination.

Committee to report on referral

- 10 Where a determination has been referred back to the Committee by Archbishop in Council the Committee shall report on the substance of such referral in its report to the next ordinary session of Synod.

Stipends are not to be less favourable than determination

s.11 amended by No. 5/2016

- 11 Parish councils and any other persons or bodies responsible for prescribing stipends, allowances, 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 Melbourne shall grant rates and conditions that are not less favourable than those prescribed by any applicable determination of the Committee.

Diocesan Stipends Act 1991

Chairman, Deputy Chairman and Secretary

- 12 (1) After each annual election and appointment of members the Archbishop shall appoint a member of the Committee to be Chairman.
- (2) The Committee shall appoint one of its lay members to be Deputy Chairman.
- (3) The Committee shall appoint from among its members a Secretary and any other office bearers deemed necessary.

Meetings

s.13 amended by No 7/2005

- 13 (1) Meetings of the Committee shall be convened by the Chairman who shall give not less than fourteen days notice in writing of the date and place of the meeting to all members of the Committee, provided that if all members of the Committee so agree a lesser period of notice may be given.
- (2) The Committee shall meet at least twice in each year.
- (2A) The Committee shall at least once each year invite interested parties to make submissions for its consideration, giving at least one month's notice before the meeting at which the submissions are to be considered, by notice issued by the Registrar or published in the Diocesan newspaper.
- (3) All powers of the Committee may be exercised by a quorum consisting of at least five members present of whom at least one shall be a clerk.
- (4) All questions which arise at any meeting of the Committee, other than the making of a determination, shall be decided by a majority of votes of the members present provided that the Chairman shall have a casting

Diocesan Stipends Act 1991

vote upon any such question upon which a majority of members present cannot agree.

- (5) The making of a determination shall be decided by a majority of votes of the lay members of the Committee and a majority of votes of the total membership of the Committee provided that any question upon which a majority of members cannot agree shall be decided in the negative.
- (6) Where the Committee is divided in opinion, any member or group of members may issue a statement of reasons and forward it to the Archbishop under section 7(2).

Resignation and vacancy

- 14 (1) A member of the Committee may resign office by writing signed by a member and delivered to the Archbishop.
- (2) The seat of any member who has been absent for three consecutive meetings without leave of absence having been obtained may be declared vacant by a majority of the whole Committee.

Casual vacancies

S.15 amended by No. 2/2010

- 15 A casual vacancy in the seat of an elected member shall be filled in accordance with the provisions of the **Regulation of Elections Act 1980** and the Archbishop in Council may fill a vacancy in the seat of an appointed member. The Committee may act notwithstanding any vacancy therein.

Sub-committees

- 16 The Committee may appoint Sub-Committees consisting of such of its members as it may think fit. The Chairman shall be ex-officio a member of every Sub-Committee.

Diocesan Stipends Act 1991

Repeal

17 The **Clergy Stipends Committee Act 1958 - 1981** is repealed.

Diocesan Stipends Act 1991

NOTES

¹ The **Diocesan Stipends Act 1991** was assented to on 18 October 1991 and came into operation on 18 October 1991.

² This reprint incorporates the amendments made to the **Diocesan Stipends Act 1991** by the following Acts:

Name	No	Date of assent	Date of commencement
<i>Regions of the Diocese and other Acts (Amendment) Act 1999</i>	7/1999	18 October 1999	18 October 1999
<i>Diocesan Stipends (Amendment) Act 2004</i>	2/2004	2 September 2004	2 September 2004
<i>Diocesan Stipends (Amendment) Act 2005</i>	7/2005	8 October 2005	8 October 2005
<i>Synod Election (Terms of Office) Act 2010</i>	2/2010	8 October 2010	8 October 2010
<i>Diocesan Acts (Revisions and Repeals) Act 2016</i>	5/2016	15 December 2016	16 December 2016

