

BAPTIST UNION OF TASMANIA

MINISTERIAL LONG SERVICE LEAVE FUND

RULES AND REGULATIONS

1. **PRINCIPLES:** The overruling principles in the application of these rules and regulations will be:-
 - (a) the fund exists to assist our churches in meeting the additional costs of pulpit supply, etc., in the event of their own minister availing himself of any long service leave entitlement and does not affect the employer/employee relationship, responsibilities, and financial arrangements between the church and their pastor.
 - (b) an employer/employee relationship in determining the eligibility of a person to qualify for membership of the fund.
 - (c) any benefits accruing will be determined strictly on the basis of the level of financial receipts to the fund paid by the employer.
2. **NAME:**

The fund shall be known as The Baptist Union of Tasmania Ministerial Long Service Leave Fund and shall be administered by Council. (In these rules and regulations referred to as "The Administrator").
3. **PURPOSE:**

To provide a fund for payment to participating churches and other approved bodies of long service leave entitlements for ministers and any other employed persons within churches of the Baptist denomination within Tasmania, or with any other approved cause.
4. **ELIGIBILITY:**
 - (a) Every person who is entitled to receive benefits for long service leave shall be described in these rules as an eligible person.
 - (b) A person shall be an eligible person who has completed not less than five (5) years of continuous service in one or more of the following categories, and for whom contributions to the fund at the prescribed rate (as amended from time-to-time) have been made.
 - (i) As an employee of the Baptist Union of Tasmania, except that any person who is employed on terms prescribed by an industrial award shall be paid benefits prescribed by that award and not benefits prescribed by these rules.
 - (ii) As an employed Minister, Pastor, Student Pastor, Deaconess, or any other approved position within Baptist churches in Tasmania.

- (iii) As an employed worker, Minister or Pastor in a cause approved by the Administrator, providing long service leave benefits do not accrue to that person except those which accrue in accordance with these rules.
- (c) The Administrator shall have absolute discretion to permit service before and after an authorised leave of absence to be counted as continuous service.

5. INCOME OF FUND:

There shall be paid into the Fund:-

- (a) A quarterly contribution by participating churches and employers of an amount annually prescribed by the Administrator.
- (b) All donations and legacies designated for the Fund.
- (c) Interest on investments made on behalf of the Fund.
- (d) All other contributions and amounts received under any reciprocal arrangement with other State Unions.

Should any church or employer fail to remit the prescribed quarterly amount within two months of the due date, the Administrator may, on twenty eight days written notice to the church or employer charge interest on the overdue payment at the prescribed rate. The prescribed rate will be set by the Administrator from time-to-time and will be advised to the church or employer at the time of the written notice being given to them.

6. PERIOD OF LEAVE:

The amount of long service leave shall be:-

- (a) Six (6) weeks after each seven (7) years of service.
- (b) A proportionate amount of leave will be granted for service of less than 7 years if an eligible person:-
 - (i) Retires on attaining the age of sixty five (65) years and has not completed a period of 7 years service.
 - (ii) Is forced to retire from service for health reasons and has not completed a period of 7 years service or the required length of time to qualify.
 - (iii) Dies before retirement and/or before completing the qualifying period. Payment shall be made in these instances to the person's Executor, Administrator, Widow, or other dependants as the Fund Administrator sees fit.
- (c) Leave shall be taken as soon as practicable after it is due (Eligible persons are encouraged to combine their entitlement from the Fund with their annual leave entitlement provided by their employer for that year thus extending their period of leave to 10 weeks.
- (d) The Administrator shall be entitled to restrict the amount paid where long service leave is not taken within two years of it falling due to the level of benefit applicable at the date when such leave became due.

- (e) A pro-rata payment shall be made to an eligible person as defined by Rule 4(b) who:-
 - (i) terminates service prior to the expiration of a 7 year period.
 - (ii) for some reason, his service with a church or employer terminates and no call to another position is forthcoming although such person is available and willing to accept such other position.

Any pro-rata payment made under this rule will be calculated at the weekly rate in effect at the time of termination.

7. AMOUNT OF BENEFIT:

- (a) The Fund shall pay the amount due for the period of leave being taken by an eligible person to the church Treasurer or the person who normally pays the salary of the eligible person, at the time of commencement of the leave. The church Treasurer or person who normally pays the eligible person's salary will deduct such tax as is required by law and pay the net amount to the eligible person without delay and will advise the person how the figure is computed.
- (b) The amount due shall be calculated at the weekly rate in effect at the time of commencement of the leave.
- (c) The weekly rate shall be calculated and set on an annual basis by the Administrator and shall be advised to all participants in the scheme.
- (d) The basis of calculation of the weekly rate will be the total of the recommended minimum stipend for Grade 1 level plus recommended housing allowance, rounded up to the next even five dollars. The rate will be calculated and set on the amounts payable as at 31st. July each year and shall apply for the twelve months commencing from the 1st. January following.

8. ANNUAL LEAVE:

Long service leave shall not affect normal annual leave.

9. PUBLIC HOLIDAYS:

Public holidays, falling within the long service leave period shall be recognised and added to the leave taken.

10. PROCEDURE:

The Administrator will notify members who become eligible for leave twelve months before the due date so that arrangements may be made with their church or employer for leave of absence. The church or employer and the member concerned shall thereafter both notify the Administrator when the long service leave is to be taken and the church or employer shall grant leave of absence and be responsible for the arrangements of supply while the member is on long service leave.

11. HOW LEAVE TO BE USED:

The principle of long service leave is that the leave should be used for recreational purposes and it is desirable that it be used for that purpose. A member shall not take any remunerative employment or serve in their own or another church during their leave without the written permission of the Administrator.

12. PAYMENT IN LIEU OF LEAVE:

Payment of an entitlement without leave being taken will not normally be permitted. In exceptional circumstances, by mutual agreement between the eligible person and his church or employer, and with the consent of the Administrator, applications for such payments will be considered.

13. DEFERMENT OF PAYMENT:

A member, on retirement, may elect to defer payment of accrued leave subject to the following conditions:-

- (a) Written notice of such intention being given to the Administrator prior to the retirement of the member.
- (b) The member agrees that the monetary value of the accrued leave shall remain fixed at the monetary value which would have been payable if the payment had been made at the time the member retired.

14. EXPENSES OF THE FUND:

The expenses of administration of the fund including reimbursement for salaries in the maintenance of records will be a permitted charge against the Fund.

15. ALTERATION OF RULES:

No alteration or addition to these rules shall be made except as approved by the Executive of the Baptist Union of Tasmania.

16. ADMINISTRATION:

The Administrator shall have the power to make regulations for the conduct of the Fund and the attaining of its objects provided the same are not inconsistent with these rules.

17. INTERPRETATION:

Should any dispute arise concerning the interpretation of these rules, the Administrator shall submit particulars of the dispute to the Executive of the Baptist Union of Tasmania. The Executive and party or parties concerned shall confer with a view to having the dispute settled or referred to a mutually acceptable independent arbitrator.

18. RECORDS:

- (a) The Administrator shall cause to be prepared, on an annual basis, a list of all members of the Fund which shows upon it the name, date of entry into the Fund, accrued entitlement, date leave due, and leave taken.

- (b) The Administrator shall cause to be prepared, on an annual basis, a statement setting out thereon as a liability, the total of all accrued leave entitlements payable to all eligible members.

19. AUDIT:

The accounts of the Fund shall be audited by such person or persons as the Executive of the Baptist Union of Tasmania may determine.

20. TRANSITIONAL ARRANGEMENTS:

The transitional arrangements for leave entitlements accrued under the previous rules of the Long Service Leave Fund shall be as follows:

- (a) Any accruals currently existing under the previous arrangements will be acknowledged under these new rules and regulations at par value.
 - (b) Those current members who have accrued entitlements with less than 7 years service will be entitled to take their entitlements at the expiration of 7 years service.
 - (c) Those current members who have accrued entitlements of seven years or more must avail themselves of their entitlement within a period of two years, provided however, that should long service leave have recently been taken in part or in whole, a period of 4 years may elapse between that time and the taking of any further entitlement.
-