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**11.6 PARENTAL LEAVE FOR MINISTERS (this by-law replaces previous by-Law 11.6 Maternity Leave for Ministers, 11.7 Paternity Leave for Ministers and 11.8 Adoption Leave for Ministers)**

**DEFINITIONS**

- 11.6.1 In these By-laws, “Minister” shall mean Minister of the Word, Deacon, Deaconess, Lay Pastor, person accredited to the specified ministry of Youth Worker. Those exercising the Ministry of Pastor are employees and as such have access to entitlements under the National Employment Standards (NES) and Fair Work Act (FWA), and so are not covered by this by-law.

**PURPOSE OF PARENTAL LEAVE**

- 11.6.2 The purpose of parental leave is to provide opportunity for Ministers who are the primary care giver to prepare for the birth or adoption of a child and care for the child during the initial months following the birth or adoption.

**ELIGIBILITY FOR PARENTAL LEAVE**

- 11.6.3 To be eligible for parental leave a Minister shall:
- a. Be placed in an Approved Placement in a Congregation, Presbytery or Synod Placement under Regulation 2.6.1 (b)(i) or such other placement as the Synod may determine. A Minister serving in an Ecumenical appointment or Approved Placement in a supply capacity or on a casual or seasonal basis will not be entitled to parental leave as set out under these by-laws.
  - b. Be receiving remuneration for service.
  - c. Provide to the General Secretary of the Synod, a certificate from a duly qualified medical practitioner stating the presumed date of the confinement or equivalent letter of approval for adoption from an adoption agency
  - d. Normally, give not less than three (3) months' notice in writing of the date upon which they propose to commence parental leave, stating the period of leave to be taken. Notice shall be given to the following bodies:
    - Ministers in Congregation Placements: To the Church Council and the Presbytery Pastoral Relations committee. (PRC).
    - Ministers in Presbytery Placements: To the General Secretary of the Synod and the Chairperson of the relevant Presbytery.

- Ministers in Synod Placements: To the General Secretary of the Synod and the Synod Standing Committee.

#### **PERIOD OF LEAVE AND COMMENCEMENT OF LEAVE**

- 11.6.4
- The period of parental leave shall be for an unbroken period of from six (6) to fifty-two (52) weeks.
  - The leave may commence from a date preceding the expected date of confinement or adoption by agreement with the body referred to in 11.6.3 d.

#### **PAYMENT DURING LEAVE**

- 11.6.5
- The first thirteen (13) weeks of leave shall be “paid leave”.
  - The Minister shall be paid the relevant minimum stipend applicable immediately before proceeding on leave as adjusted for any general stipend increase. The stipend shall be paid by the Ministers Benefit Fund.
  - The Minister shall be paid the following allowances for the period of “paid leave”:
    - If the Minister owns their own motor vehicle and is usually paid standing charges and depreciation, these shall continue to be paid. However, no kilometreage charges shall be paid.

Where a vehicle is supplied, the Minister will be entitled to the use of the vehicle for the period of paid parental leave under the same provisions as apply to the placement but no kilometreage charges shall be paid.

During the period of unpaid leave, the Minister may retain the use of the vehicle provided that all costs are met by the Minister.

- The Congregation (or other body) contribution to Mercer (formerly the Uniting Church in Australia Beneficiary Fund) or other superannuation fund shall be paid for the period of “paid leave”. Arrangements for payment (or otherwise) of the Mercer (formerly the Uniting Church in Australia Beneficiary Fund) levy during the period of non-paid parental leave shall be dealt with according to the rules of the Mercer (formerly the Uniting Church in Australia Beneficiary Fund).
  - The Minister shall be paid the Ministers professional development allowance during the period of “paid leave”.
  - The above allowances, other than those payable by the Minister, shall be paid by the Ministers Benefit Fund.
- d. The Long Service Leave and Ministers Benefit Fund levies for the Minister will be paid during the period of paid leave and shall be paid by the Congregation or other body.

- e. During the period of unpaid leave up to a maximum of thirty-nine (39) weeks, a Minister may take any outstanding annual leave or long service leave and during such leave the Congregation or other body shall be responsible for all normal stipend, allowances and Synod levies for Long Service Leave, Ministers Benefit Fund, Travel Equalisation etc.
- f. Costs of supply during the period of leave (both paid and unpaid up to fifty-two (52) weeks) shall be met by the Congregation (or other appropriate body) except that the cost of housing the supply, where the manse is unavailable [see 11.6.6 c.], and costs of travelling to and from the Congregation shall be paid by the Ministers Benefit Fund.
- g. Where parental leave extends beyond the period of placement by reason of termination, effluxion of time or any other reason, the Church will only be responsible for payments of stipend and allowances until the date of termination of placement.

#### **PARENTAL LEAVE AND OTHER ENTITLEMENTS**

- 11.6.6
- a. Paid parental leave shall count as service for the purpose of accruing annual leave, long service leave and status with the Mercer (formerly the Uniting Church in Australia Beneficiary Fund).
  - b. Unpaid leave shall not break continuity of service but shall not be taken into account in calculating the period of service for any purpose.
  - c. The Minister shall have the right to remain in the manse or, if already living in their own home, shall be paid the accommodation allowance. The Congregation or other employing body shall be reimbursed pro rata by the Ministers Benefit Fund for the period of unpaid leave.
  - d. Parental leave shall not extend beyond fifty-two (52) weeks without the specific approval of the appointing body and the Presbytery PRC.
  - e. Paid sick leave shall not be available to a Minister during their absence on parental leave or while taking annual leave or long service leave during the period of unpaid parental leave.

#### **APPROVING BODY**

- 11.6.7
- In the case of a Minister in a Congregation Placement, parental leave shall be approved by the Church Council subject to the Presbytery PRC being satisfied with the arrangement for oversight of the Congregation in the Minister's absence. In the case of a Presbytery Placement, the Presbytery PRC shall be the approving body. In the case of a Minister in a Synod Placement, the Synod Standing Committee shall be the approving body and shall, if required, make appropriate arrangements for supply.

## **TRANSFER TO A SAFE JOB**

- 11.6.8 Where, in the opinion of a duly qualified medical practitioner, illness or risks arising out of a pregnancy or hazards connected with the work assigned to the Minister make it inadvisable for the Minister to continue at their present work, the Minister shall, if the Church deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until the commencement of parental leave.

If the transfer to a safe job is not practicable, the Minister may, or the Church may require the Minister to take leave for such period as is certified necessary by a duly qualified practitioner. Such leave shall be treated as parental leave.

## **11.6.9 THE GOVERNMENT PARENTAL LEAVE PAY**

Ministers may be entitled to access the Government Parental Leave Pay. To check eligibility and discuss their particular situation, the minister should seek advice from Services Australia. This is the responsibility of the minister to arrange and provide advice to the body responsible for their Payroll.

## **11.6.10 PARENTAL LEAVE FOR NON-PRIMARY CARE GIVER**

Where the minister is not the primary care giver, they are entitled to two weeks paid parental leave, which will be paid from the Minister's Benefit Fund.

## **DISCRETIONARY POWERS**

- 11.6.11 The General Secretary of the Synod may make recommendations to the Ministers Benefit Fund Committee concerning cases arising in respect of the application of these by-laws and the Ministers Benefit Fund Committee may authorize the General Secretary to vary the application of these by-laws in respect of any such cases.

## **ADMINISTRATION OF PARENTAL LEAVE PROVISION**

- 11.6.12 Administration shall be undertaken by the Placements Administrator in consultation with the Ministers Benefit Fund Committee.

## **DISPUTES AND GRIEVANCES**

- 11.6.13 Should any dispute arise in relation to a decision of the Committee with respect to paternity leave entitlements and arrangements, the matter shall be submitted to the Stipends Committee which may decide the matter or may appoint an independent person or committee to decide the matter.

*Amendments approved Synod Standing Committee*

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