

THE BAPTIST UNION OF WESTERN AUSTRALIA INCORPORATED (“the Union”)

LONG SERVICE LEAVE FUND RULES

1. NAME:

The Fund is known as **THE BAPTIST UNION OF WA LONG SERVICE LEAVE FUND**, and was established by Assembly in 1974.

2. DEFINITIONS:

In these rules unless the context otherwise requires, the following definitions shall apply:

- (a) **BMA (or SFI)** shall mean Baptist Mission Australia Inc (formerly known as the Australian Baptist Missionary Society, and Global Interaction Inc) or Service Fellowship International.
- (b) **Administrator** shall mean the person(s) employed by the Union to carry out such administrative functions as shall be determined by the Trustees.
- (c) **Appointee** shall mean a person appointed under Clause 7 of the Union’s constitution.
- (d) **Assembly** shall mean the Assembly of the Union.
- (e) **Church** shall mean a member church, an associated congregation, a recognised fellowship or a new work as described in the By-Laws of the Union.
- (f) **Director of Ministries** shall mean the person appointed by the Union to fill this role from time to time, whether in a permanent or temporary capacity.
- (g) **Engaging Entity** means The Church, Department or Approved Organisation who engages the Member from time to time.
- (h) **Member** shall mean any person eligible to join the fund.
- (i) **Minister** shall mean an accredited person in ministry, an accreditation candidate or such other person as the Director Of Ministries acknowledges is fulfilling such a role following advice from a Church.
- (j) **Officer** shall mean a person appointed to a salaried official role with the Union and who is not an Appointee.
- (k) **Service (or serve)** shall mean such full time or part time ministry or engagement as provided for in Rule 3 for which contributions have been paid in accordance with Rule 5.
- (l) **Trustees** shall mean the Finance & Administration Department of the Union.
- (m) **Union** shall mean The Baptist Union of WA Incorporated.
- (n) **Unit** shall mean the long service leave entitlement accruing from each monthly contribution into the Fund at the required rate for full-time engagement.

3. ELIGIBILITY:

The following persons may become members of the Fund:

- a) Any Minister undertaking a full or part-time ministry within a Church.
- b) Any person engaged as a full time or part time Appointee of the Union.
- c) Any Minister undertaking a full time or part time ministry in an engaging entity approved by the Trustees, PROVIDED such organisation contributes to the fund in accordance with Rule 5.
- d) Such other persons as the Trustees at their absolute discretion shall determine and for whom contributions are paid in accordance with Rule 5.

4. RECORDS:

The Administrator shall maintain a record of all members of the Fund. The record shall contain the name, date of birth, date of entry to the fund, leave due, leave taken and contributions made on their behalf, periods of service and the name of the relevant engaging entity as well as such other information as may be deemed appropriate for the effective administration of the Fund.

5. CONTRIBUTIONS:

The engaging entity shall pay to the Fund each month an amount based on the basic recommended stipend package fixed by the Union or pro-rata for Members engaged on a part time basis. The exact amount to be paid shall be determined by the Trustees. Each such monthly contribution entitles the Member to one Unit, or pro-rata for Members when engaged on a part-time basis.

Any engaging entity failing to remit the agreed amount for three months, or becoming three months in arrears, shall at the discretion of the Trustees cease to be a participating contributor. Any arrears are to be paid to the fund at the rate current at the time of payment.

6. PERIOD OF LEAVE:

The amount of long service leave will be thirteen weeks in respect of each completed period of ten years service. The long service which shall entitle a Member to such leave shall be continuous service with one or more engaging entities. Subject to Rule 10, continuous service shall have the same meaning as contained in the Long Service Leave Act of 1958 as amended.

The Administrator may, upon recommendation of the Director of Ministries, grant pro rata leave after continuous membership of at least 5 years, subject also to the consent of the engaging entity.

7. SERVICE OUTSIDE STATE:

Any member who has served a period of service outside the State of Western Australia shall not be entitled to long service leave in respect of the period outside the State of Western Australia unless the engaging entity with whom the member has served has made such contributions to the fund pursuant to the provisions of Rule 15.

8. TAKING OF LEAVE:

The leave shall normally be taken in an unbroken period of 13 weeks as soon as practicable after it becomes due, except that a Member may seek approval from the engaging entity and the Administrator to take leave of no less than 4 weeks, which approval shall not be unreasonably withheld.

The time of commencement shall be decided by agreement between the engaging entity and the Member.

9. AMOUNT OF BENEFIT:

A Member to whom Long Service Leave has been granted shall normally receive payment for such leave from the engaging entity at the rate agreed between the Member and the engaging body.

Such engaging entity shall in turn be paid the amount due from the Fund which shall not be greater than the entitlement based on the number of units accrued and untaken by the Member. Accrual of 120 units entitles the engaging body to be paid for a long service leave of 13 weeks. The entity will be paid at the relevant rate(s) described below.

For entitlements accrued prior to 1st October 1999 the rate will be equal to the basic recommended minimum stipend, the book allowance and the travelling allowance fixed by the Union current at the date of commencement of the leave.

For entitlements accrued after 1st October 1999 the rate will be equal to the basic recommended minimum stipend, housing allowance, motor vehicle allowance and book allowance fixed by the Union current at the date of the commencement of the leave.

If the leave is broken into periods (as provided for in Rule 8) the rate of payment shall be that rate applicable at the commencement of each period of leave.

10. CONTINUOUS SERVICE:

Service as a Member of the Fund will be deemed to be continuous service, even if broken, in the following circumstances:

- a) Unpaid leave of absence approved by the engaging entity up to a maximum of twelve months.
- b) Time lost where a Minister is moving from one Church to another, provided such period does not exceed 12 months.
- c) Periods of ministry with a Church, Department or approved organisation that does not contribute to the Fund up, to a maximum of 10 years.
- d) A period of service with BMA or SFI.
- e) Such other reason considered appropriate by the Trustees in their absolute discretion.

Except that no entitlement shall accrue for such periods for which no contributions are received by the Fund from an engaging entity.

11. RETIREMENT:

A member retiring at or after the age of 65 years having completed not less than five years of continuous service shall be entitled to payment for untaken entitlements at the date of retirement at the rates described in Rule 9.

12. ILL HEALTH:

For reasons of ill health, a Member may, in the absolute discretion of the Administrator, be granted leave on a pro rata basis prior to the completion of ten years service provided they have served a minimum of five years of continuous service.

A Member who has retired for reasons of ill health before the age of 65 years shall be entitled to pro rata payment in lieu of untaken long service leave at the rates described in Rule 9, provided they have served a minimum of five years of continuous service.

13. CESSATION OF ENGAGEMENT:

A Member whose services with the engaging body cease by reason of resignation or for any reason shall be entitled to pro rata payment in lieu of untaken long service leave at the rates described in Rule 9, provided they have served a minimum of five years of continuous service.

In all other cases, subject to Rule 10, where a Member ceases to be eligible for membership of the Fund all their entitlements lapse.

14. DEATH OF A MEMBER:

In the event of the death of a Member during service, any long service leave entitlement shall be paid to the Executor or, at the discretion of the Administrator, the spouse or other dependents.

15. RECIPROCITY:

The Administrator may enter into reciprocal arrangements with any engaging entity affiliated with any other Baptist Union within the Commonwealth of Australia to enable long service leave arrangements to operate nationally, subject to Rule 3.

16. EXPENSES OF THE FUND:

The expenses of administration of the Fund shall be a charge against the income of the Fund.

17. INVESTMENT OF FUNDS:

The Trustees are authorised to invest the funds in Baplink WA, or any other investment authorised by the Union's Investment Policy.

18. ALTERATION OF RULES:

No alteration or addition to these rules shall be made except by the Council of the Union upon the recommendation of the Trustees.

19. ADMINISTRATION:

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

The Fund shall be administered by the Administrator.

20 WINDING UP:

In the event of the Fund being wound up, any person who is a Member shall be paid any untaken pro rata entitlements, provided they have served a minimum of five years of continuous service.

After payments of all debts and liabilities any surplus funds are to be distributed to the Union.

21. AUDIT:

The accounts of the Fund shall be audited by the Union's Auditor.