

*Clergy Superannuation.*

2/1896

AN ORDINANCE to amend "The Clergy Superannuation Consolidating and Amending Ordinance of 1889."

(Assented to 29 August, 1896. Amended 22 September, 1898, and 20 September, 1901.)

WHEREAS it is expedient to amend "The Clergy Superannuation Consolidating and Amending Ordinance of 1889" by making provision for enabling Ministers duly licensed in other Dioceses in Australia and Tasmania to become Members of the Clergy Superannuation Fund, and in certain other respects. The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland within the Colony of New South Wales ordains and rules as follows:—

## PART I.—AMENDING.

1.—*Continuation of Reserve Fund.*

Clause 5 of "The Clergy Superannuation Consolidating and Amending Ordinance of 1889" (hereinafter referred to as "the said Ordinance") shall be and the same is hereby repealed and the following clause shall be substituted therefor namely:—"One-fifth of the entire receipts in each year on account of the Superannuation Fund shall be invested at interest and compound interest until the end of the month of June 1901 and shall be added to the Superannuation Reserve Fund; the remaining four-fifths of the principal and interest shall after payment of expenses be available for the payment of Superannuation Allowances and such other purposes as are authorised by this Ordinance and after the end of June 1901 the whole of the interest of the Reserve Fund shall also be available for such purposes."

*Clergy Superannuation.**2.—Bishop may make application on behalf of Member.*

The following words shall be added at the end of Clause 9 of the said Ordinance namely:—"Provided that in case it shall be certified by a duly qualified medical practitioner that any Member is incapable of making application to be superannuated the Bishop may make the same on his behalf."

*3.—Provision as to Member's Income on Superannuation.*

The following words shall be added at the end of Clause 10 of the said Ordinance namely:—"Provided always that the Bishop shall not declare such Member superannuated unless he shall be satisfied that the Superannuation Allowance so to be assigned to such Member together with any other annual allowance or allowances from Diocesan or Parochial sources other than the Superannuation Fund shall in their sum be not less than one-third of the average annual income to which he was entitled by virtue of the office or position which he held under his license during the previous five years (exclusive of the annual value of the Parsonage or residence if any provided for such Member) unless such Member shall sign and send to the Bishop a consent in the form set forth in Schedule C."

*4.—Parish if in arrears disqualified.*

Clause 13 of the said Ordinance shall be and the same is hereby repealed and the following Clause shall be substituted therefor namely:—"The power given under the said Ordinance to the Churchwardens and Communicants of a Parish or Ecclesiastical or Mission District in the Diocese of Sydney to apply for the Superannuation of any Member shall not be exercised if there be any arrears in the annual contributions to the Fund required to be made by the said Parish or Ecclesiastical

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or Mission District on account of such Member nor until such arrears (if any) shall have been paid together with compound interest at the rate of six pounds per centum per annum for the time during which such arrears have existed nor unless the Parish or District shall have contributed annual payments of eight pounds to the Fund for the period of at least ten years immediately preceding the date of making application for the Superannuation of such Member."

*5.—Ministers removing to another Diocese.*

Clause 17 of the said Ordinance shall be and the same is hereby repealed, and the following clause shall be substituted therefor namely:—"Any Member of the Fund removing to any other Diocese in Australia or Tasmania may so long as he holds the license of the Bishop of such Diocese continue his membership under the provisions of Part II. of this Ordinance."

*6.—Superannuation at the age of sixty-five.*

Clause 18 of the said Ordinance shall be and the same is hereby repealed and the following clause shall be substituted therefor namely:—"Any Member having been a Member of the Fund for a period of not less than fifteen years and having been actively employed as a Minister of the Church of England in Australia or Tasmania for a period of not less than thirty years shall on reaching the age of sixty-five years be entitled to be superannuated if he so desire and upon his being declared Superannuated by the Bishop of Sydney, the Trustees or a majority of them shall assign to him such Superannuation Allowance as he shall be entitled to as such Member and he shall be entitled to receive the same without any liability to forfeiture."

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*7.—Ministers removing to Dioceses outside the Dioceses of Australia and Tasmania.*

Any Member of the Fund who shall remove from Australia and Tasmania and who shall have been at least ten years a Member of the Fund at the time of such removal may so long as he holds the license of any Bishop of the Church of England to any office or position as herein required in the case of this Diocese continue his Membership on payment of the sum of eight pounds per annum in equal quarterly instalments in addition to the amount of five pounds herein required to be paid by every Member of the Fund but in such case application for such Member to be superannuated can be made only by himself and only if the said payments shall have been regularly made or in the event of there being any arrears in such payments if such arrears shall have been paid together with compound interest at the rate of six pounds per centum per annum for the time during which such arrears have existed and it shall be required in addition to the foregoing provisions that such member shall furnish to the Bishop of Sydney a certificate of the Bishop of the Diocese in which he shall be serving together with certificates from two duly qualified medical practitioners one of whom shall be nominated by the Trustees severally stating that in their opinion the applicant is a fit subject for Superannuation on account of age or bodily or mental infirmity and if the Bishop of Sydney and the Trustees after making such further enquiry and receiving such further evidence (if any) as they may consider necessary are satisfied as to the sufficiency of the grounds of such application then the Trustees shall assign to such Member a superannuation allowance according to the scale specified in Schedule A of this Ordinance and if superannuated on account of bodily or mental infirmity such Member (or his legal representative) shall from

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time to time furnish the Trustees with proof if they shall so require to satisfy them that he continues to be entitled to the Superannuation Allowance on such account.

8.—*Appropriation of Parish payments.*

Annual contributions heretofore received or which shall hereafter be received by the Trustees from any Parish or Ecclesiastical or Mission District shall be regarded as made on account of the Minister or Ministers for the time being of such Parish or District and in the event of there having been or being two or more Ministers licensed to such Parish or District then in the case of the Incumbent having been or being a Member of the Fund the sum of eight pounds per annum out of such annual contributions shall be regarded as paid on account of the Incumbent and the balance or in the case of the Incumbent not having been nor being a Member then the whole of such annual contribution shall be regarded as paid on account of such Assistant Minister or Ministers (if any) as shall have been or shall be a Member or Members of the Fund in equal shares if more than one.

Provided that in no case shall more than the sum of eight pounds annually be regarded as paid on account of any one Member.

9.—*Forfeiture of Membership.*

Any Member who shall not have paid seven years' subscriptions to the Fund and whose annual subscriptions shall be in arrear for a period of three years shall cease to be a Member of the Fund and shall forfeit all claim to any moneys which he shall have paid as such member. Provided always that such forfeiture shall not take effect until three months' notice in writing by or on behalf of the Trustees sent by post registered and addressed to his last-known place of abode shall have been given to such Member informing him of his contributions being so in

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arrear and of his consequent liability to forfeiture. Provided also that the Trustees shall have power if they think fit at any time to fully reinstate any such Member upon his paying all arrears and fines which would have been payable by him if he had continued a Member together with compound interest at the rate of six pounds per centum per annum within such time or times and by such instalments as the Trustees may determine and thereupon such Member shall be entitled to the same benefits as if he had continued a Member of the Fund from the commencement of his Membership without intermission.

10.—*Member may cease payments after forty years.*

After payment of forty years' annual contributions a Member shall if he so desire be excused from payment of any further contributions.

11.—*Trustees power to settle disputes, etc.*

The Trustees shall have full power subject to appeal to the Synod from time to time to settle determine refer to arbitration compromise or otherwise adjust or settle any dispute or question which may hereafter arise between the Trustees and any Member of the Fund, and the decision of Trustees or of the Arbitrators or their Umpire as the case may be unless reversed on appeal as aforesaid shall be absolutely binding on such Member.

12.—*Provision for amalgamation with other Superannuation Funds.*

If at any time the Trustees or Governing Body of any existing Diocesan Superannuation Fund in Australia or Tasmania shall propose to amalgamate with the Fund for the Diocese of Sydney the Trustees may proceed to enquire into such proposal for amalgamation and if in the opinion of the Trustees and of a competent actuary

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employed by them the existing rights of Members of the Fund will not be prejudiced thereby the Trustees shall submit such proposal for amalgamation to the Synod of the Diocese of Sydney for approval and confirmation.

13.—*Payment of expenses.*

The Trustees shall have power to pay out of the Fund any expenses that may be properly incurred in connection with the management of the Fund or the carrying out of the provisions of any Ordinance relating thereto.

PART II.—EXTENDING

14.—*Membership.*

A Minister may become or continue to be a Member of the Clergy Superannuation Fund of the Diocese of Sydney under Part II. of this Ordinance with the approval of the Trustees if he is duly licensed by the Bishop of any Diocese in Australia or Tasmania other than the Diocese of Sydney as Minister or Assistant Minister of any Parish or Ecclesiastical or Mission District in any such Diocese or duly licensed to actual service in or for the Church in any College Educational Establishment Infirmary Hospital or Asylum Gaol or other Public Institution in any such Diocese or as Chaplain of any Cemetery or as salaried officer of any Diocesan Society or if he is licensed by the Bishop of any Diocese in Australia or Tasmania as Missionary to the Heathen upon signing an undertaking in the form contained in Schedule B of this Ordinance and may retain such membership so long as he holds any such license or having held any such license and having surrendered it then subject to the provisions made on that behalf so long as he holds the license of any Bishop of any Diocese in Australia or Tasmania. Provided that any Minister qualified as aforesaid at the time of the passing of this Ordinance may subject to the approval of the Trustees become a member of the Fund under Part II. of this

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Ordinance upon payment of the entrance fee and a sum equal to thirteen pounds per annum and compound interest at six pounds per cent. per annum added for so many years as he may desire not exceeding five years and upon signing an undertaking as aforesaid and shall thenceforth be entitled to all the privileges of membership as if he had been a Member during the number of years for which he has so paid.

*15.—Payments to be made by Members.*

Every Minister becoming a Member of the Fund under Part II. of this Ordinance shall pay to the Treasurer of the Fund in Sydney the sum of ten pounds as an entrance fee and every Member of the Fund under Part II of this Ordinance shall pay or cause to be paid on his behalf to the Treasurer the sum of thirteen pounds per annum in equally quarterly instalments in advance on the first days of January April July and October in each year until superannuation death or ceasing to be qualified for Membership the first quarterly payment to be made on the quarter day next after the time of signing the undertaking contained in Schedule B of this Ordinance. On all quarterly subscriptions due from any member but not paid before the end of each or any quarter a fine of sixpence per quarter shall be charged until the arrears are paid up. The Trustees may if they think fit accept payment of the entrance fee by annual instalments not exceeding five.

*16.—Ministers applying to be Superannuated.*

Whenever a Member of the Fund under Part II. of this Ordinance desires on account of age or bodily or mental infirmity to be released from his duties he may send to the Bishop of Sydney an application in writing to be Superannuated endorsed with the approval of the Bishop or Administrator of the Diocese in which he is licensed and the Bishop of Sydney shall refer such application to the Trustees for their enquiry and report.



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If the Bishop of Sydney and the Trustees or a majority of them after making such enquiry and receiving such evidence as they may consider necessary are satisfied as to the sufficiency of the grounds of such application then if such Member shall have been a Member for ten years or upwards and shall have paid all sums due by him as such Member the Trustees or a majority of the Trustees shall assign to him a Superannuation Allowance according to the scale specified in Schedule A of this Ordinance in lieu of all benefits to which he was entitled by virtue of the office or position which he held under his license or should he desire to retain such license then in addition to some portion of such benefits if the Bishop of Sydney and the Bishop whose license he holds so recommend subject to the sanction of the Trustees. Provided always that in case it shall be certified by a duly qualified medical practitioner that any Member is incapable of making such application the Bishop or Administrator of the Diocese in which he is serving may make the same on his behalf.

17.—*On restoration to health member to resume duties.*

If the health of any Member under Part II. of this Ordinance Superannuated by reason of infirmity of body or of mind become in the opinion of the Trustees so restored as to enable him to perform such ministerial duties as would entitle him to a stipend of not less than three hundred pounds per annum the Bishop of the Diocese from which he was superannuated may require him to resume ministerial duties and if he decline to undertake the same then unless his inability to do so be certified by three duly qualified medical men of whom at least one shall be nominated by the Trustees he shall forfeit his right to his Superannuation Allowance and if he resumes his duties such allowance shall be discontinued but he shall continue to be a Member of the Fund as long as he holds the license of any Bishop of the Church of Eng-

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land whether he continue to subscribe thereto or not and in the event of his again becoming superannuated if he shall have renewed his subscriptions he shall receive such increased allowance as he may become entitled to under the provisions of this Ordinance.

18.—*Forfeiture of Superannuation Allowance.*

If any Member under Part II. of this Ordinance Superannuated by reason of infirmity of body or of mind undertake of his own motion any employment by which he acquires an income which by the Trustees is deemed to justify such a course he shall be declared by them to have forfeited his Superannuation Allowance but such allowance shall be renewed whenever the Trustees shall so determine but if he hold the license of any Bishop of the Church of England for such employment he shall continue to be a Member of the Fund so long as he holds any such license whether he continue to subscribe thereto or not and in the event of his again becoming Superannuated if he has renewed his subscriptions he shall receive such increased allowance as he may become entitled to under the provisions of this Ordinance.

19.—*Abatement of allowance if funds insufficient.*

If at any time the funds available for payment of Superannuation Allowances shall be insufficient for the payment in full of the sums specified in Schedule A of this Ordinance each recipient of a Superannuation Allowance thereunder shall only be entitled to his proportionate share of the funds which shall be so available. Any deficiencies in payments arising from this cause may be paid up by the Trustees when in their opinion the position of the Fund would justify them in doing so.

20.—*Members removing from Australia.*

Any Member under Part II. of this Ordinance who

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shall remove from Australia and Tasmania or by the surrender or withdrawal of his license become disqualified for Membership of the Fund or become incapacitated before he has become entitled to a Superannuation Allowance shall be entitled to receive back the amounts paid by him or on his account to the Fund (other than the entrance fee) in excess of eight pounds per annum subject to any deduction for fines. Provided that in no case shall a Member be entitled to receive back a sum exceeding five pounds for every year of his Membership or at the rate thereof.

21.—*Ministers dying before receiving a year's pension.*

In case any Minister being a Member of the Fund under Part II of this Ordinance shall die before Superannuation or before he shall have received one year's Superannuation Allowance leaving a widow or any child under the age of eighteen years there shall be returned to his legal representative all amounts (other than the entrance fee) paid by or on account of the deceased in excess of eight pounds per annum subject to any deduction for fines.

22.—*Application of clauses.*

The provisions of clauses 6, 7, 9, 10, and 11 of this Ordinance shall apply to Members under Part II. of this Ordinance as well as to Members holding the license of the Bishop of Sydney.

23.—*Member removing to Diocese of Sydney.*

Any Member under Part II. of this Ordinance who shall remove to the Diocese of Sydney shall become and continue to be a Member of the Fund under the provisions applicable to Members in the Diocese of Sydney so long as he holds the license of the Bishop of Sydney.

24.—*Short Title.*

This Ordinance may be cited as "The Clergy Superannuation Amending Ordinance of 1896."

SCHEDULE.



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any qualification for Membership specified therein or in any amendment thereof duly made.

Dated at \_\_\_\_\_ in the Colony of  
this \_\_\_\_\_ day of \_\_\_\_\_

Witness

## SCHEDULE C.

I the undersigned \_\_\_\_\_ being a Member of the Clergy Superannuation Fund of the Diocese of Sydney do hereby consent to be Superannuated and to have a Superannuation Allowance assigned to me without regard to the amount of additional allowance or allowances from sources other than the Superannuation Fund.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

Witness

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