

SYDNEY DIOCESAN SUPERANNUATION FUND
AMENDMENT AND VARIATION OF TRUSTS ORDINANCE 1973

No. 24, 1973

AN ORDINANCE to amend the Sydney Diocesan Superannuation Fund Ordinance 1961-1972 and vary the trusts upon which the Fund thereby constituted will be held.

WHEREAS the Synod of the Diocese of Sydney by the Sydney Diocesan Superannuation Fund Ordinance 1961-1972 has established a Fund known as the Sydney Diocesan Superannuation Fund for the superannuation of clergy and certain other persons in the Diocese of Sydney AND WHEREAS it has been deemed desirable to make an alteration to the benefits payable from the Fund in certain cases and to admit to membership members of other organisations within the Church of England not already provided for under the said Fund AND WHEREAS it has further been deemed desirable to increase the powers of the Fund to enable it to act as a Trustee for or manager of any other superannuation or provident fund AND WHEREAS it has been further deemed desirable to admit to membership curates licensed in the Diocese of Sydney AND WHEREAS by reason of these circumstances which have arisen subsequent to the creation of the trusts on which the said Fund is held it is inexpedient to carry out and observe the same to the extent that they are hereby varied NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. (1) The Sydney Diocesan Superannuation Fund Ordinance 1961-1972 is in this Ordinance referred to as the "Principal Ordinance".
 - (2) This Ordinance may be cited as "Sydney Diocesan Superannuation Fund Amendment and Variation of Trusts Ordinance 1973".
 - (3) The Principal Ordinance as amended by this Ordinance may be cited as "Sydney Diocesan Superannuation Fund Ordinance 1961-1973".
2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said Fund is held it is inexpedient to carry out and observe the same and such trusts are hereby varied to the extent (if any) hereinafter appearing.
3. The Principal Ordinance is amended as follows:-
- (a) By inserting after the word "member" where first occurring in clause 18 (a) (i) the words "admitted under sub-clauses (1) and (2) of clause 19" and by adding at the end of sub-clause (1) the words "in the event of the death of any other member, who has not attained the age of sixty-five years, there shall be payable to such member's dependents, or to such one or more of them to the exclusion of the others as the Board may in its discretion determine, the amount held in the Fund for the credit of that member".
 - (b) By deleting sub-clause (b) (ii) of clause 18 and substituting therefor the following: "(ii) Notwithstanding other provisions of this Ordinance where as the result of the total and permanent disablement of a member, benefits are being paid under the Sydney Diocesan Sickness and Accident Fund Ordinance 1969, the member shall not be entitled to benefits under this clause whilst benefits are still being paid under such Ordinance".
 - (c) By inserting after "(b)" in clause 18(f) the words "sub-clause (b)".
 - (d) By adding a new sub-clause 18(g) reading as follows: "A member shall be considered to have effectively retired within the meaning of clauses 18(b), (c) and (d) and clause 20(4) if he has retired from the parish to which he was licensed or organisation or department to which he was appointed and has not taken up full-time appointment either in that or any other parish, department or organisation".

- (e) By inserting after the word "Synod" where secondly occurring in clause 19(3) the words "or of any other organisation within the Church of England in Australia".
- (f) By deleting from clause 20(1) the words "other than those becoming members under the provisions of sub-clauses (3) and (4)" and substituting therefor the words "becoming a member under the provisions of sub-clauses (1), (2) and (2A)".
- (g) By deleting from clause 20(1) the word "March" and substituting therefor the word "December".
- (h) By deleting from clause 22(1) the words "his legal personal representative" and substituting therefor the following words "to such members dependents or to such one or more of them to the exclusion of the other or others as the Board may in its discretion determine".
- (i) By inserting after the word "Ministry" in clause 23 the words "or permanently ceasing to be actively engaged therein" and by adding at the end of the clause the following words "such amount not to exceed at the discretion of the Board the amount held to his credit in the Fund".

4. The Principal Ordinance is further amended as follows:-

- (a) By amending the heading to Part III to read "Part III - Powers and Duties of Fund & Board".
- (b) By inserting a new clause 11A as follows:-

"11A. The Fund may act as Trustee for or Manager of any other Superannuation or provident fund approved by the Board".
- (c) By inserting at the end of clause 12(2) a new paragraph as follows:-

"(k) Enter into such agreements as it may deem desirable in relation to any other superannuation or provident fund".

5. The Principal Ordinance is further amended as follows:-

- (a) By inserting in clause 18(a) (i) after the words "sub-clauses (1) and (2)" as inserted by this Ordinance the words "and sub-clauses (2C) and (2D)".
- (b) By inserting in clause 19 the following new sub-clauses:-

"(2C) All curates who will attain the age of 24 years next birthday or who having attained that age shall be under the age of 65 years next birthday and at the time this clause comes into force are the holders of a licence in the Diocese shall become members within three months of such time PROVIDED that any such curate may in such special circumstances as the Board may deem adequate be exempted from the provisions of this sub-clause wholly or partly at the discretion of the Board.

(2D) All curates under the age of 65 years next birthday and who after the date upon which this clause comes into force are

 - (a) at least of the age of 24 years next birthday, and
 - (b) are granted a licence in the Diocese

shall immediately upon being so licensed become members".
- (c) By inserting in clause 20 the following new sub-clause:-

"(1A) The annual contribution payable in respect of each member becoming a member under sub-clauses (2C) and (2D) of the preceding clause shall be a sum equivalent to six per cent of the minimum stipend for a curate

as determined by resolution of Synod and effective for the financial year ending on 31 December preceding the year for which such contribution is payable and shall be contributed in equal proportions by

- (a) the member, and
- (b) the Diocese".

6. The provisions of this Ordinance shall operate from 1st September 1973.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

ATHOL RICHARDSON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 27th day of August, 1973.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

MARGUS LOANE
Archbishop of Sydney
27/8/1973