

SYDNEY DIOCESAN SUPERANNUATION FUND AMENDMENT

ORDINANCE 1979

No. 54 1979

AN ORDINANCE to amend the Sydney Diocesan Superannuation Fund Ordinance 1961-78.

WHEREAS Sydney Diocesan Superannuation Fund is constituted by the Sydney Diocesan Superannuation Fund Ordinance 1961-78 (hereinafter called "the Principal Ordinance") AND WHEREAS the said Fund is managed and controlled by a Board of Directors incorporated under the name "Sydney Diocesan Superannuation Fund Board" pursuant to the Sydney Diocesan Superannuation Fund Board Incorporation Ordinance 1961 and the Church of England (Bodies Corporate) Act 1938 AND WHEREAS the administration of the said Fund has increased to such an extent that without prejudice to the rights of existing members it is expedient to substantially amend and restructure the Principal Ordinance for the purpose of redefining the categories of membership and improving the administration of the said Fund NOW the Standing Committee of the Synod of the Diocese of Sydney in the place and name of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows;

- 1. (1) This Ordinance may be cited as "Sydney Diocesan Superannuation Fund Amendment Ordinance 1979".
- (2) The Principal Ordinance as amended by this Ordinance may be cited as "Sydney Diocesan Superannuation Fund Ordinance 1961-1979".

2. Clauses numbered 1 to 24 inclusive and all part headings of the Principal Ordinance are hereby deleted with a view to substituting therefor those clauses numbered 1 to <sup>3</sup>3 inclusive and all part headings contained in the Schedule hereto.

3. The amendments effected by clause 2 hereof shall take effect on and from 1st January 1980.

4. The amendments effected by clause 2 hereof shall be without prejudice to the rights of any existing member of the said Fund or to any acts matters or things done pursuant to the Principal Ordinance.

5. Those Directors of the Board of the said Fund who hold office at the date of assent to this Ordinance shall continue in office subject to the provisions contained in the Schedule hereto.

THE SCHEDULE HEREINBEFORE REFERRED TO

PART 1 - ADMINISTRATION

1. (1) This Ordinance may be cited as "Sydney Diocesan Superannuation Fund Ordinance 1961-1979".

(2) The headings in this Ordinance have been inserted as a matter of convenience only and shall not limit or restrict the provisions of the Ordinance in any way.

Interpretation

2. In this Ordinance unless inconsistent with the context or subject matter:-

"Annuitant" means a member who has been superannuated.

"Annuity" means an annuity payable to an annuitant.

"Archbishop" means the Archbishop of the Diocese of Sydney or in his absence his Commissary or if the See be vacant the Administrator of the Diocese.

"Board" means the Board of Directors of the Sydney Diocesan Superannuation Fund Board.

"Clergyman" means a clergyman who is licensed to a parish within an Anglican diocese in Australia or is licensed to officiate within such diocese or being licensed is in the service of or attached to an organisation department or body conducted under the auspices of the Church of England in Australia.

"Date of commencement of total and permanent disablement" means the date which in the opinion of the Board is the first day on which a member becomes unable to attend to his or her duties when such inability leads to total and permanent disablement.

"Deaconess" means a deaconess who is licensed to a parish within an Anglican diocese in Australia or licensed to officiate within such diocese or being licensed is in the service of or attached to an organisation department or body conducted under the auspices of the Church of England in Australia.

"Dependant" means -

(1) Wife, husband, widow, widower, children or grandchildren of a member or other person related to him or her by blood adoption or marriage.

(2) Any other person who in the opinion of the Board is dependant on a member or was dependant on a member at the time of his or her death.

"Diocese" means the Diocese of Sydney.

"Director" means a Director of the Board.

"Fund" means the Sydney Diocesan Superannuation Fund.

"Member" means a member of the Fund.

"Parish" includes provisional parish provisional district or separate ecclesiastical unit.

5. "Parish sister" means a parish sister who is appointed as such to serve in a full-time capacity in a parish or in any organisation department or body conducted under the auspices of the Church of England in Australia other than schools.

"Presentation Board" means the Presentation Board constituted in accordance with the Presentation and Exchange Ordinance 1933-1975 or any amendment thereof.

"Synod" means the Synod of the Diocese of Sydney.

10. "Total and permanent disablement" in relation to a member means:-

(1) suffering at least the loss of two limbs or the sight of both eyes or the loss of one limb and the sight of one eye (and for the purpose of this definition "limb" is defined as the whole hand or the whole foot) or,

15. (2) having been unable to attend to any part of his or her duties as a result of injury or illness for six (6) consecutive months and in the opinion of the Board after consideration of medical evidence, having become incapacitated to such an extent as to render the member unlikely ever to resume his or her duties or attend to any gainful profession or occupation.

20. Words importing the singular number include the plural number and vice versa.

3. The assets of the Fund are and at all material times have been and shall remain church trust property held upon trust for the purposes of the Diocese in accordance with the provisions hereof.

25. Board of Directors

4. The Board shall consist of twelve (12) Directors elected by the Synod of whom four (4) shall be clergymen and eight (8) shall be lay persons.

5. At the first ordinary session of each Synod six (6) Directors (two (2) clergymen and four (4) lay persons) shall retire from office but shall be eligible for re-election. Such Directors shall retire in rotation according to their seniority in office provided that where Directors have held office for an equal duration of time the Directors to retire shall be determined amongst themselves at any meeting of the Board provided that at least fourteen

(14) days written notice has been given to the Directors intimating that such determination is to be made at such meeting and in the event of failure to make such a determination the names of the Directors to retire shall be determined by ballot taken amongst the members present at such meeting.

5. Proceedings of Directors

6. The provisions of the Casual Vacancies Ordinance 1935 shall apply hereto.

7. (1) The Board shall from time to time elect from its members a Chairman and Deputy Chairman. The Chairman and Deputy Chairman shall respectively hold office until the first meeting of the Board in the next succeeding year and thereafter until their respective successors are elected. A retiring Chairman or Deputy Chairman shall be eligible for re-election.

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(2) If at any meeting of the Board the Chairman is not present within five (5) minutes of the time appointed for holding such meeting the Deputy Chairman shall be the Chairman of the meeting but if neither the Chairman nor the Deputy

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Chairman is then present the Directors then present may choose one of their number to be Chairman of the meeting.

8. Five (5) members of the Board shall for all purposes form a quorum.

9. Questions arising at any meeting of the Board shall be decided by a majority of votes, each Director present in person being entitled to one vote, but in case of equality of votes the Chairman of the meeting shall have a second or casting vote.

20.

10. All acts done by the Board or by any committee thereof or by any person acting as Director shall notwithstanding that there is a vacancy in the Board or that it be discovered that there was some defect in the election or appointment of the Board or Committee or Director be as valid as if the Board or Committee or Director has been duly elected or appointed.

25.

11. A Director or officer of the Board shall be accountable only for his or her own acts negligence or defaults and not for those of any other Director or officer nor for any banker broker or any person with whom any moneys or securities of the Fund may be deposited nor for the insufficiency or deficiency of any securities nor for any other loss unless the same happens through his or her own wilful neglect or default.

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Disqualification of Directors

12. The office of a Director shall be deemed to have been vacated if he or she:-

- 5. (a) resigns his or her seat by writing under his hand addressed to the Board;
- (b) dies;
- (c) becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; compounds with his or her creditors or makes any assignment of his or her estate for their benefit;
- 10. (d) loses his or her qualification for office;
- (e) is absent from three (3) consecutive ordinary meetings of the Board of which reasonable notice has been given, except on leave granted by the Board;
- 15. (f) becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (g) is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for twelve months or upwards or is
- 20. convicted outside New South Wales of an offence which if committed in New South Wales would be a felony or misdemeanour so punishable;
- (h) holds an office on the Board which Synod or the Standing Committee of such Synod when such Synod is not in session declares to be vacant;

Other Funds

25. 13. The Sydney Diocesan Superannuation Fund Board may act as trustee for or manager of any superannuation or provident fund approved by the Board.

Powers of the Board

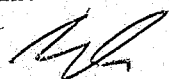
- 14. (1) The Board shall manage administer and control the Fund.
- (2) Without prejudice to the generality of the foregoing power the Board
- 30. may do all or any of the following things:-
  - (a) appoint employ and remove such agents and servants as the Board may deem necessary to carry on the management and administration of the Fund and determine their powers and duties and fix and pay their fees salaries or emoluments;

- (b) establish one or more bank accounts and determine in what manner and by whom such accounts should be operated on;
- (c) delegate all or any of its powers to committees consisting of such member or members of the Board as it thinks fit. Any committee so formed shall in the exercise of the powers so delegated conform to any regulation or direction that may be from time to time imposed on it by the Board;
- (d) borrow money either without security or secured by legal or equitable mortgage or other security on all or any of the assets of the Fund including moneys to become owing to the Fund;
- (e) sell, lease, or otherwise dispose of or deal with all or any of the assets of the Fund for such consideration and subject to such terms and conditions and otherwise in such manner, as the Board may deem expedient;
- (f) effect life assurance in the form of term assurance or otherwise with any life assurance company or companies on the lives of members individually or as a group upon such terms and conditions as the Board may determine;
- (g) grant or purchase annuities for any member or members or their dependants;
- (h) set aside and establish Contingency and Reserve funds;
- (i) pay all costs and expenses of and incidental to the management and control of the Fund;
- (j) enter into such agreements as it may deem desirable in relation to any other superannuation or provident fund.

(3) The Board shall keep with respect to each member a Contribution Account.

#### Investments

15. (1) The Board in addition to investments authorised by the Investment of Church Trust Property Ordinance 1978 may invest moneys of the Fund in:-



- (a) first mortgages of real property in any part of the Commonwealth of Australia;
- (b) loans to members to assist in the purchase of homes secured either by first or second mortgages provided that in the case of a first mortgage the loan does not exceed 90% of the valuation of the security by a competent valuer and in the case of a second mortgage the total amount borrowed on both the first and second mortgages does not exceed 90% of such valuation and that in both cases the mortgage contains a provision for repayment of any balance owing on death or retirement from the capital benefits payable to the member concerned. PROVIDED also that not more than one half of the investment moneys from the Fund be applied in loans hereby authorised;
- (c) funds stocks securities bonds debentures or Treasury bills of or guaranteed by the Government of the Commonwealth of Australia or of any State in the Commonwealth;
- (d) any of the stocks funds or securities of or upon which by any general order cash under the control of the Supreme Court of New South Wales in Equity may from time to time be invested;
- (e) debentures issued by the municipal council of any city in the Commonwealth;
- (f) deposits in a savings bank or trading bank or other institution approved by the Board carrying on business in Sydney;
- (g) assurances on the lives of members effected with any life assurance society approved by the Board;
- (h) a charge or charges upon any land or future rents profits and other income thereof;
- (i) Loans guaranteed by or on behalf of a corporation which is part of any diocese of the Church of England in Australia whose members are participating in the Fund;
- (j) the purchase of an estate in fee simple of land, whether improved or unimproved; and the construction, repair, alteration and maintenance of buildings and other improvements on such land;

5. (k) any debentures of or preference or ordinary shares or stock in or registered notes (secured or unsecured) and including investment trust units issued by any company (not being a no-liability mining company) carrying on business or having a share register in Australia; provided that no such investment shall be made in any company whose business, -or one of whose main businesses, is any of the following:-

- (i) the manufacture sale or distribution of fermented or spiritous liquors or of tobacco or tobacco products or of gambling devices or armaments or
- (ii) any other purpose or object notified by the Synod or the Standing Committee thereof as undesirable.

(2) The Sydney Diocesan Superannuation Fund Board may from time to time vary or realise the investments.

15. (3) All investments shall be made in the name of the Board.

Responsibilities and Duties of the Board

16. (1) The Board shall remain and continue to be solely responsible for all liabilities incurred by it or on its behalf.

20. (2) The Board and its members and each of them shall not represent to any person or corporation that the Archbishop of Sydney or the Synod of the Diocese of Sydney or the Standing Committee thereof or any person or persons or any other Corporate Body or corporation holding church trust property for the Church of England in the Diocese of Sydney or any other corporate body constituted by or pursuant to the Church of England (Bodies Corporate) Act 1938 shall or may meet or discharge all or any part of any liability or liabilities which have been or may or will be incurred wholly or partly by or on behalf of the Board.

25. (3) The Board shall not exercise any power to borrow moneys if the amount which it proposes to borrow, when added to the amount of all moneys borrowed by it prior thereto and not repaid prior thereto, exceeds One Hundred Thousand Dollars (\$100,000) or such other amount as may have been last approved by resolution of the Standing Committee.

30. (4) The Board shall not execute or deliver and shall not have power to execute or deliver any mortgage, charge, debenture, guarantee, indemnity or promissary note unless the following clause is included therein:-



"Notwithstanding anything contained herein to the contrary, each of the parties hereto acknowledges and agrees that Sydney Diocesan Superannuation Fund Board shall not be liable to any other party hereto for any amount whatsoever (whether by virtue of any express or implied obligation) beyond such amount (if any) as Sydney Diocesan Superannuation Fund Board may be able to pay to that party in the event of Sydney Diocesan Superannuation Fund Board being wound up."

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and such clause is not made subject to any qualification.

(5) The Board shall not execute or deliver any bill of exchange or other negotiable instrument other than a cheque drawn on a bank account of the Fund.

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Minutes

17. The Board shall cause minutes to be duly kept in books provided for the purpose:-

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- (a) of all appointments of officers by the Board;
- (b) of the names of the Directors present at each meeting of the Board and of any committee thereof;
- (c) of all orders and regulations made by the Board;
- (d) of all resolutions and proceedings of meetings of the Board and of committees thereof.

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Any such minutes purporting to be signed by the Chairman of such meeting or of the next succeeding meeting shall be receivable as prima facie evidence of the matters stated in such minutes.

Accounts and Valuation

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18. The Board shall comply with the Accounts Ordinance 1975 as amended from time to time.

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19. At least once in every three years the Board shall cause the assets of the Fund to be valued and the position of the Fund shall be submitted to and investigated by an actuary. The actuary shall report to the Board in writing on the financial position of the Fund and shall in his report recommend how any deficiency shall be made up and how any surplus shall be dealt with. The Board shall forward a copy of such report to all members of the Fund and to the Standing Committee of the Synod which shall lay the same on the table of the next ordinary session of the Synod.

Rules and Regulations

20. (1) For the administration of the Fund and for the giving effect to the objects of this Ordinance the Board may from time to time make rules and regulations not being inconsistent with the provisions of this Ordinance and  
5. repeal or amend such rules and regulations and substitute others in lieu thereof.

(2) The Board shall forward a copy of such rules and regulations to the Standing Committee of the Synod which shall lay the same on the table of the next ordinary session of the Synod.

(3) If the said Synod shall at any time pass a resolution disallowing any  
10. such rule or regulation such rule or regulation shall thereupon cease to have effect but such disallowance shall not invalidate any action or proceeding which may have taken place thereunder prior to such disallowance.

Application of Fund

21. The Fund shall be applied firstly in payment of the expenses of management  
15. and secondly in payment of premiums upon any life assurances effected upon the lives of members. The balance of the Fund after making these provisions shall be invested by the Board and after making such further provision for contingencies and/or reserves as is deemed necessary by the Board shall be credited to the contribution accounts of members as soon as practicable after  
20. the end of each financial year after making due allowance for the contributions paid by them or on their behalf, to the expenses incurred, and to the cost of life assurances arranged on their respective lives.

PART 2 - DIOCESE OF SYDNEY MEMBERSHIP GROUPS

Membership

22. (1) All clergymen who shall be under the age of sixty-five (65) years on  
25. the 1st January 1980 and who on that date are:-

(a) licensed to a parish within the Diocese, or

(b) appointed to serve in a full-time capacity in the Diocese in any  
30. organisation department or body reasonably considered by the Board to be under the control of Synod other than schools,

and who are not already members, shall become members within three months of the time of licence or appointment. Provided that any such clergyman 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.

(2) All clergymen under the age of sixty-five (65) years on the 1st January 1980 and who after that date are:-

5. (a) licensed to a parish within the Diocese, or  
(b) appointed to serve in a full-time capacity in the Diocese in any organisation department or body reasonably considered by the Board to be under the control of Synod other than schools,  
and who are not already members shall immediately upon being so licensed or  
10. appointed become members.

(3) All deaconesses who are under the age of sixty (60) years and at the time this clause comes into force are:-

- (a) licensed to a parish within the Diocese, or  
(b) appointed to serve in a full-time capacity in the Diocese in any  
15. organisation department or body reasonably considered by the Board to be under the control of Synod other than schools,  
and who are not already members shall become members and every deaconess subsequently licensed or appointed as aforesaid shall within three months become a member.

20. (4) All parish sisters who are under the age of sixty (60) years and at the time this clause comes into force hold an Authority to Act within the Diocese and who are not already members shall become members and every parish sister subsequently holding such an Authority to Act in the Diocese as aforesaid shall within three (3) months become a member.

25. (5) All clergymen under the age of sixty-five (65) years next birthday who are on leave from the Diocese with the approval of the Archbishop and who are serving in a full-time capacity as missionaries in the field (not in home base administration or activities) of any missionary society approved by the Board may be accepted as members on the same basis as clergymen licensed to a parish in the Diocese.

30. (6) All curates who shall be under the age of sixty-five (65) years next birthday and at the time this clause comes into force are the holders of a licence in the Diocese and are not already members shall become members within three (3) 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.

5. (7) All curates under the age of sixty-five (65) years next birthday and who after the date upon which this clause comes into force are granted a licence in the Diocese and who are not already members shall immediately upon being so licensed become members.

(8) The Archbishop, Assistant Bishops and Archdeacons may be admitted as members from time to time on such terms as the Board shall determine.

10. 23. The provisions of Ordinance No. 18, 1950 entitled "Clergy Provident Fund (Sydney) Membership Ordinance 1950" shall not apply after the date upon which this Ordinance comes into force.

Contributions

15. 24. (1) The annual contribution payable in respect of each member becoming a member under the provisions of sub-clauses (1), (2), (3), (4), (5), (6) and (7) of the clause 22 hereof shall be a sum equivalent to nine (9) per cent of the minimum stipend for a rector curate deaconess or parish sister as the case may be as determined by resolution of Standing Committee and effective for the financial year commencing on 1 January of the year for which such contribution is payable and subject to the provisions of clause 20. 25 hereof shall be contributed in equal proportions by

- (a) the member and
  - (b) the Diocese and
  - (c) the parish in which the member is licensed or organisation department or body to which the member is appointed or attached or missionary society with which the member is associated.
- 25.

Provided that where in the opinion of the Board a member is in the service of the Diocese but not in the service of any parish the Diocese shall pay two thirds of such contribution and the member shall pay the remaining one third.

30. (2) Contributions shall be payable by the member whilst he holds an office specified in clause 22 sub-clauses (1), (2), (3), (4), (5), (6) or (7) provided that the member shall not be liable for payment of contributions during any period

which falls after age sixty-five (65) and before 1 January 1980. Each member's contributions shall be deducted from his stipend by the churchwardens of the principal church of a parish in the case of a member licensed to a parish and from his salary in the case of a member otherwise engaged in the service of the

5. Diocese or other organisation department or body under the control of Synod or missionary society by the person or persons having the control thereof and shall be remitted together with the contribution of such parish diocese or other organisation department or body or missionary society as aforesaid to the Board.

10. (3) The proportion of contributions payable by a parish shall continue to be paid notwithstanding that the incumbency or office may be vacant pending the licensing or appointment of a successor in office. Provided that this sub-clause shall not apply in the case of a curate or deaconess or a parish sister and a parish shall only be liable for payment of a contribution on their behalf

15. for the time of their service therein. Provided further that in the event of no separate incumbent being licensed or appointed as a successor in office during a period of twelve months after such vacancy shall occur the Board may in its discretion waive as from the date on which the vacancy occurred any further proportion of contributions in whole or in part and for so long and for 20. such period as it shall determine up to the time when such vacancy shall be filled.

Subject to any such waiver the parish shall as from the date when the vacancy is filled pay for the then current year a proportionate part of its contribution for that year based on the number of days thereafter in that year.

25. (4) In the event of a clergyman not effectively retiring upon the attainment of age sixty-five (65) years the parish and the Diocese shall continue payment to the Board of that proportion of his total contribution for which they are responsible hereunder.

30. (5) Any member or parish or the Diocese notwithstanding the provisions herein contained shall be entitled to pay such increased contribution in respect of his it or its proportion as may be arranged with the Board and benefits

payable by the Fund in respect of that member shall be adjusted accordingly.

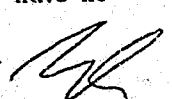
(6) The provisions of sub-clause (4) to clause 51 of the "Sydney Church Ordinance 1912" as amended shall no longer apply from the date when this Ordinance shall come into force.

5. 25. The contribution to the Fund payable by a member of the Church of England Provident Fund (Sydney) or at the discretion of the Board any other superannuation fund to which a member may be contributing may be reduced at the discretion of the member by such amount as is payable to the Church of England Provident Fund (Sydney) or such other fund up to a maximum of his total contribution and his
10. benefits in the Sydney Diocesan Superannuation Fund shall be modified accordingly.

Transfer, Study Leave or Resignation

26. (1) In the event of a member serving under the provisions of clause 22 sub-clauses (1), (2), (3), (4), (5), (6) and (7) hereof moving to a diocese other
15. than Sydney diocese or taking an appointment in a full-time capacity in an organisation within the Church of England not under the control of the Synod or in a school conducted under the auspices of the Church of England in Australia the following arrangements shall be offered to that member:-

- (i) Contributions shall cease to be payable by or in respect of the
20. member and the accumulated balance standing to his/<sup>or her</sup> credit with the Fund shall be retained and held by the Fund at interest until he attains the age of sixty-five (65) or such prior age as the Board in its discretion may determine, when the said balance and accrued interest shall be used for the member's benefit in such
25. manner as the Board in its absolute discretion shall determine but should he die before attaining the age of sixty-five (65) then the amount standing to his credit with the Fund shall be paid to such member's dependants or to such one or more
- or them to the exclusion of the other or others as the Board may in its discretion determine but no death benefit as provided in clause 27(a)(i) shall apply, or

- (ii) The amount standing to the member's credit at the date of his
30. transfer to another diocese or organisation as aforesaid may at the request of the member with the approval of the Board be transferred to the superannuation fund of that diocese or organisation and the member shall thereafter have no further claim upon the Fund, or
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(iii) Where the diocese or organisation to which the member transfers has a reciprocal Agreement with the Fund his continuing membership shall be determined under the provisions of that Agreement, or


5. (iv) The member may contribute to the Fund such amount as may be mutually agreed upon with the Board and the terms and conditions of membership shall be offered and accepted in writing between the member and the Board.

10. (2) In the event of a member serving under the provisions of clause 22 sub-clauses (1), (2), (6) and (7) being on study leave from the Diocese of Sydney with the approval of the Archbishop the member may remain in the fund subject to one of the following arrangements:-

15. (i) Contributions shall cease to be payable by or in respect of the member and the accumulated balance standing to his credit with the Fund shall be retained and held by the Fund at interest until he accepts a further appointment in the Diocese when his contributing membership shall be resumed under the aforementioned provisions or until the member informs the Fund of an intention to serve elsewhere than in the Diocese when his membership or otherwise shall be determined under the applicable clause but during the period of non-contributory membership no death benefit as provided in clause 27(a)(i) shall apply, or

20. (ii) Where contributions continue to be paid by the member or by an organisation within the Church of England in respect of the member he shall be deemed to remain a contributing member of the Fund but his death benefit shall be in accordance with the terms of the formula §C (65 - X) referred to in clause 27 (a)(i).

25. (3) In the event of a member serving under the provisions of clause 22 sub-clauses (1), (2), (3), (4), (5), (6) and (7) resigning from the ministry of the Church of England in Australia or permanently ceasing to be actively engaged therein or being a deaconess or parish sister resigning office before attaining the age of sixty-five (65) years he or she shall be entitled to receive from the amount held to his or her credit in the Fund, his or her own proportion of contributions with interest less costs of insurance and proportion of expenses together with any additional amount as the Board may determine in  
30. its discretion.



Benefits re Death Retirement and Incapacity

27. (a) (i) In the event of the death of a member serving under the provisions of sub-clauses (1), (2), (3), (4), (5), (6) and (7) of clause 22 who has not attained the age of sixty-five (65) years, there shall be payable to such member's dependants or to such one or more of them to the exclusion of the other or others as the Board may in its discretion determine, the amount held in the Fund for the credit of that member, together with an amount equal to  $\$C(65 - X)$  where C is the total contribution per annum current at the date of death of the member in terms of clause 24(1) and X is the age next birthday of the member on the 1st day of January next preceding the date of death. PROVIDED that in the event of the death of a member admitted under sub-clauses (1), (2), (5), (6) and (7) of clause 22 occurring under the age of fifty (50) years there shall be paid in addition to the amount aforesaid the amount shown in column 2 of the Schedule No. 1 hereto calculated in accordance with the age next birthday of the member on 1st day of January next preceding the date of death. In the event of the death of any member, who has not attained the age of sixty-five (65) years, there shall be payable to such member's dependants, 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.

20. (ii) In the event of the death of a member who has attained the age of sixty-five (65) years, the amount held in the Fund for the credit of that member shall be payable to such member's dependants or to such one or more of them to the exclusion of the other or others as the Board may in its discretion determine.

25. (b) Upon the effective retirement of a member who has attained the age of sixty-five (65) years, the amount held in the Fund for the credit of that member shall be payable as a retiring allowance or retiring allowances and/or annuities, as the Board shall determine after consultation with the member or shall be held for a further period or periods at interest at the conclusion of which it shall be payable as retiring allowances and/or annuities, as the Board shall determine after consultation with the member.

(c) (i) In the event of the total and permanent disablement of a member



who has not attained the age of sixty-five (65) years, then an amount equivalent to the death benefit on the date of commencement of total and permanent disablement shall be payable as retiring allowances and/or annuities as the Board shall determine after consultation with the member or shall be held for such further period or periods at interest at the conclusion of which it shall be payable as retiring allowances and/or annuities as the Board shall determine after consultation with the member. Such payment or payments when made shall be deemed to be in lieu of and in substitution for all moneys payable under sub-clause (a) hereof and all retirements and other benefits payable hereunder.

10. (ii) Notwithstanding any other provision hereof 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.

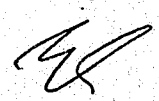
15. (d) In the event of a member effectively retiring prior to the attainment of age sixty-five (65) the amount held in the Fund for the credit of that member shall be payable in such manner as the Board may determine after consultation with the member or shall be retained in the Fund at interest until such time as the member attains the age of sixty-five (65) years when clause 27(b) hereof shall become effective.

20. (e) Any contingency or reserve funds set aside shall be applied and administered by the Board for such purposes as it may determine or as Synod may direct.

25. (f) Notwithstanding the provisions of sub-clauses (a), (b), (c) and (d) of this clause, any amounts payable from the Fund in respect of any member shall be applied to discharge, or towards the discharge of, any indebtedness to the Fund of that member..

30. (g) A member shall be considered to have "effectively retired" within the meaning of clauses 24(4), 27(b) and 27(d) if he or she has retired from the parish to which he or she was licensed or organisation department or body to which he or she was appointed or attached and has not in the reasonable opinion of the Board taken up full-time appointment either in that or any other parish, organisation department or body of the Diocese under the direct or indirect control of Synod.

(h) A member who has effectively retired as aforesaid shall immediately



upon request from the Board furnish thereto a written declaration to that effect.

5. 28. (a) In the event of a member becoming entitled to receive a benefit from the Fund as a consequence of his retirement, resignation or transfer of office or employment, the benefits in force in respect of that member prior to such retirement, resignation or transfer shall cease to apply on and from the date of such retirement, resignation or transfer without prejudice to the member's right to receive the benefit payable upon retirement, resignation or transfer, as the case may be.

10. (b) Notwithstanding the provisions of sub-clause (a) of this clause a member who transfers his office or employment to an organisation department or body conducted under the auspices of the Church of England in Australia may apply to the Board for continuation of his membership either with or without variation of his benefits in lieu of his receiving a benefit in consequence of his transfer but continuing membership shall not be effective until the Board has consented thereto in writing.

15. 29. Notwithstanding any other provision hereof the figures "65" wherever occurring herein shall be read and construed as "60" in all cases applicable to female members.

20. PART 3 - OTHER MEMBERS

25. 30. (1) Apart from the membership of those persons for whom provision is made under Part 2 of the Ordinance persons associated with or employed by any diocese of the Church of England in Australia or by any school or organisation under the control of the synod of any such diocese shall be eligible for membership of the Fund on such terms and conditions as may be determined from time to time by the Board provided that the Board shall not admit to membership any such person whose membership would in the Board's opinion be likely to prejudice the interests of the Fund.

30. (2) Only such clauses of this Ordinance as may be determined from time to time by the Board shall be applicable mutatis mutandis to the membership of any person referred to in the preceding sub-clause.

31. (a) Where a member is attached to a diocese or organisation department or body having an Agreement with the Fund the terms and conditions of membership shall be determined in accordance with the provisions and Rules of that Agreement.

5. (b) The terms and conditions of membership of an individual member shall be agreed upon between the member and the Fund but shall not be inconsistent with the general provisions governing membership of the Fund.

(c) Save and except clergymen deaconesses and parish sisters within the scope of Part 2 of this Ordinance any of the following persons may be admitted as members from time to time on such terms and conditions as the Board may determine namely:-

- (a) Clergymen;
- (b) Deaconesses;
- (c) Parish sisters;
- 15. (d) Parish assistants;
- (e) Lay employees of the Standing Committee of Synod;
- (f) Lay employees of any school organisation department or body under the control of Synod or conducted under the auspices of the Church of England in Australia.

20. 32. In the event of a member under the provisions of this Part 3 of this Ordinance resigning from the ministry of the Church of England in Australia or permanently ceasing to be actively engaged therein or being a deaconess or parish sister resigning office or in the reasonable opinion of the Board permanently ceasing to be actively engaged in the duties of a deaconess or parish sister he or she shall be entitled to receive from the amount held to his credit in the Fund, his or her own proportion of contributions with interest less costs of insurance and proportion of expenses together with any additional amount as the Board may determine in its discretion.

PART 4 - GENERAL

30. 33. (1) If any person entitled to receive payment of any benefit pursuant of the provisions hereof becomes bankrupt or becomes a temporary or continued treatment patient or a protected or incapable person or person under detention


within the meaning of the Mental Health Act 1958 as amended or becomes otherwise incapable of managing his or her affairs or does or attempts to do or suffers any other thing or if any event happens whereby he or she would be deprived of the right to receive the same or any part thereof then such person shall cease to be presently or presumptively entitled to any such benefit and the Board may in its discretion pay or apply such benefit or any part thereof in accordance with sub-clause (3) hereof.

(2) If any person entitled to receive any benefit as aforesaid is suffering from any physical or other disability which in the opinion of the Board renders him unable to manage his own affairs the Board may during such disability in its discretion pay and apply such benefit or any part thereof which but for this sub-clause would be payable to him in accordance with sub-clause (3) hereof.

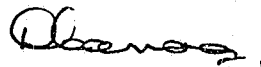
(3) Any benefit mentioned in sub-clauses (1) and (2) may in the absolute discretion of the Board be applied for the maintenance support and otherwise for the benefit of such person or of such one or more of his or her dependants as it may determine and the payment or application of any moneys in pursuance hereof this sub-clause shall be a complete discharge to the Board in respect thereof.

SCHEDULE 1

| <u>Age Next Birthday at Commencement of</u> | <u>Amount of Insurance Payable at Death</u> |
|---|---|
| <u>Year of Insurance</u>                    | <u>or Disablement</u>                       |
|   | \$  |
| 25  | 25,253                                      |
| 26  | 25,126                                      |
| 27  | 25,000                                      |
| 28  | 25,000                                      |
| 29  | 24,752                                      |
| 30  | 24,631                                      |
| 31  | 24,390                                      |
| 32  | 24,155                                      |
| 33  | 23,697                                      |
| 34  | 23,148                                      |
| 35  | 22,624                                      |
| 36  | 21,739                                      |
| 37  | 20,921                                      |
| 38  | 19,841                                      |
| 39  | 18,657                                      |
| 40  | 17,361                                      |
| 41  | 15,974                                      |
| 42  | 14,663                                      |
| 43  | 13,369                                      |
| 44  | 12,048                                      |
| 45  | 10,823                                      |
| 46  | 9,709                                       |
| 47  | 8,696                                       |
| 48  | 7,776                                       |
| 49  | 6,964                                       |
| 50  | 6,242                                       |

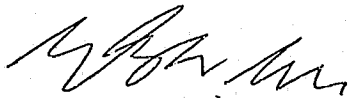


I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.



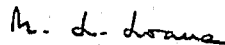
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 10<sup>th</sup> day of December 1979.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney  
10/12/1979