

**Anglican Provident Fund (Sydney)
Amendment Ordinance 1984**

No. 34, 1984

WHEREAS It is expedient that the Anglican Provident Fund (Sydney) Ordinance 1944-1982 be further amended to facilitate the administration of the Fund and confer further advantages on the members thereof.

NOW the Synod of the Diocese of Sydney HEREBY ORDAINS RULES DIRECTS AND DECLARES as follows:

General

- 1. (1) This Ordinance may be cited as "Anglican Provident Fund (Sydney) Amendment Ordinance 1984". 10
- (2) The Anglican Provident Fund (Sydney) Ordinance 1944-1982 is hereinafter referred to as the "Principal Ordinance".
- (3) The Principal Ordinance as amended by this Ordinance may be cited as "Anglican Provident Fund (Sydney) Ordinance 1944-1984" and clause 1(1) thereof is amended accordingly. 15
- (4) The headings in this Ordinance have been inserted as a matter of convenience only and in no way define, limit, construe or in any way affect the interpretation of this Ordinance.

Membership of the Board

- 2. The Principal Ordinance is amended as follows: 20
 - (a) by the insertion of "qualified" before "clergymen" in clause 5(1);
 - (b) by the omission of "(being members)," from clause 5(1);
 - (c) by the insertion of the following at the end of clause 5: 25

"A clergyman is a qualified clergyman if:

 - (a) he is making or is liable to make subscriptions to the Fund, or
 - (b) he is exempt from making subscriptions to the Fund and has not received or become entitled to immediately receive a Benefit or a lump sum payment from the Fund." 30
 - (d) by the omission of "or" where lastly appearing in clause 12(1)(e); and
 - (e) by the insertion of the following after the last word of clause 12(1)(f): 35

"(g) him receiving or becoming entitled to immediately receive a Benefit or a lump sum payment from the Fund; or

(h) he attains the age of seventy (70)."

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Retirement at 60

3. The Principal Ordinance is further amended as follows:

(a) by the substitution of "sixty" for "sixty-five" in clauses 34(a) and 34(b);

5 (b) by the insertion of the following at the end of clause 34:

10 "provided that, if a member ceases to carry on regular and continuous duty as aforesaid, on or after attaining the age of sixty years but before attaining the age of sixty-five years other than due to physical or mental incapacity, the annuity to which the member is entitled shall be reduced to (100 - X)% of the annuity to which, but for this proviso, that member would have been entitled. For the purposes of this proviso, X is 4 times the number of years and fractions thereof in the period commencing on the date on which the member ceases to carry on regular and continuous duty, as aforesaid, and ending on the day on which that member attains sixty-five years ~~divided by 100~~."

15 (c) by the substitution of "60" for "65" in clause 37;

(d) by the substitution of the following for clause 43(2):

20 "If an annuitant who retired on or after attaining the age of 60 years dies before attaining the age of 75 years, the annuity will continue to be paid to the estate of that annuitant until the 5th anniversary of the birth of that annuitant."

25 (e) by the substitution of "member dies before that member retires" for "male member dies before he attains the age of 65 years, or a female member dies before she attains the age of 60 years" in clause 43(3);

30 (f) by the substitution of "of the member" for "for a female member or within one year after the date of attaining 65 years for a male member" in clause 2 of the Fifth Schedule;

(g) by the insertion of the following at the end of clause 2 of the Fifth Schedule:

35 "Provided that if a member retires on or after attaining the age of 60 years but before attaining the age of 65 years other than due to physical or mental incapacity, the annuity to which the member is entitled shall be reduced by + to (100 - X)% of the annuity to which, but for this proviso, that member would have been entitled. For the purposes of this proviso, X is 4 times the number of years and fractions thereof in the period commencing on the date on which the member retires as aforesaid and ending on the day on which that member attains 65 years ~~divided by 100~~."

40 (h) by the substitution of "60" for "65" and "75" for "70" in clause 3(a) of the Fifth Schedule;

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- (l) by the substitution of "75" for "65" in clause 3(b) of the Fifth Schedule;
- (j) by the insertion of "60 years but before attaining the age of" after the words "the age of" in clause 4(a) of the Fifth Schedule; 5
- (k) by the substitution of "60" for "65" in clause 5 of the Fifth Schedule;
- (i) by the substitution of "60" for "65" in clause 4(1) of the Sixth Schedule; and
- (m) by the substitution of "60 years" for "65 years for a male member and 60 years for a female member" in clause 7(1) of the Seventh Schedule; and 10
- (n) by the deletion of clause 43 A
Increased Annuity in Certain Circumstances

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4. The Principal Ordinance is further amended by the substitution of "an annuity at the rate of two hundred dollars (\$200.00) per annum in respect of each unit," for all of the words and figures in clause 5(1)(a) of the Fifth Schedule following "him" where firstly appearing in that clause. 15

Physical and Mental Incapacity

- 5. (1) The Principal Ordinance is further amended as follows: 20
 - (a) by the omission of the words "as a clergyman" where firstly appearing in clause 34;
 - (b) by the omission of all the words following "physical or mental incapacity" in clause 34(b) as amended by this Ordinance; 25
 - (c) by the insertion of the following at the end of clause 34 as amended by this Ordinance;
 - "For the purposes of this clause and of clause 5 of the Fifth Schedule and clause 9(1) of the Seventh Schedule, a person shall cease to carry on regular and continuous duty by reason of physical or mental incapacity if, before attaining the age of 60 years, in the opinion of the Board, by reason of permanent physical or mental incapacity, that person is unable to satisfactorily carry on regular and continuous duty as 35
 - (i) a clergyman — in the case of a member who is a clergyman,
 - (ii) a teacher employed in an Anglican school — in the case of a member who is a teacher,
 - (iii) an official in an Anglican Diocesan Registry — in the case of a member who is such an official, or 40

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(iv) in the work of the Anglican Church or in any institution, school or organisation connected with the Anglican Church — in the case of a member who is a layperson who is permanently engaged in such work.

5 In reaching such opinion, the Board:

(a) may have regard to or rely on (without, in either case, being bound so to do) the opinion of the Bishop of the Diocese in which that member resides; and

10 (b) may have regard to or rely on (without, in either case, being bound so to do) the opinion of a medical practitioner or medical practitioners nominated by the Board;

(d) by the insertion of "(as defined in clause 34 at the time the annuitant was superannuated)" after "incapacity" where firstly appearing in clause 37;

(e) by the substitution of "(as defined in clause 34)" for "which, in the opinion of the Board, renders him unable to do so" in clause 5(1) of the Fifth Schedule; and

20 (f) by the substitution of "(as defined in clause 34)" for "which the Board is satisfied renders him unable to carry on active duties" in clause 9(1)(ii) of the Seventh Schedule.

(2) The amendments affected by this clause shall not apply in relation to a member who ceases to carry on regular and continuous duty (as referred to in clause 34 of the Principal Ordinance) or ceases to carry on duty (as referred to in clause 5 of the Fifth Schedule of the Principal Ordinance) or retires (as referred to in clause 9(1)(ii) of the Seventh Schedule of the Principal Ordinance) before the date on which assent is given to this Ordinance.

Additional Benefits in Certain Circumstances

6. The Principal Ordinance is further amended by the substitution of the following for all of the words following "sum equal to" in Clause 43(3) and in Clause 4(a) and 4(b) of the Fifth Schedule:-

the aggregate of:

(i) all subscriptions and amounts paid by the member to the Fund in respect of Superannuation Annuity, and

(ii) compound interest on the amounts described in paragraph (i) accumulated at 3% per annum and calculated on half-yearly rests as on the 30th June and 31st December in each year, and

(iii) such further amount (if any) as may be determined by the Board, on the advice of the Actuary, to be equitable in the circumstances,

shall be paid to the legal personal representative of the deceased member.

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

Chairman of Committees

WE CERTIFY that this Ordinance was passed by the Synod of the Diocese of Sydney on this day of October 1984.

Secretaries of Synod

35 I ASSENT to this Ordinance.

Archbishop of Sydney