

Clergy Removals Fund Ordinance 2003

No 1, 2003

Long Title

An Ordinance to vary the trusts of a fund held by Anglican Church Property Trust Diocese of Sydney.

Preamble

A. By clause 2(4) of the Moorebank Estate Ordinance 1977, Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the trustee of a fund (the "capital fund"), the income of which in each calendar year is to be applied as follows -

- (i) the first \$1,500, or such other sum as the Standing Committee may have last determined by resolution, is to be paid to Sydney Anglican Home Mission Society for distribution by way of grants to parishes and other ecclesiastical districts as determined by the Society to be applied towards the stipends of licensed clergy or other persons ministering in those parishes or districts,
- (ii) next, in and towards meeting the cost or removal expenses incurred by clergy and their families in accordance with the provisions set forth in the schedule thereto, as varied from time to time by the Standing Committee pursuant to clause 2(5),
- (iii) lastly, the balance is to be applied for the purposes determined by the Synod by ordinance from time to time.

B. By reason of circumstances which have arisen after the creation of the trusts on which the capital fund is held, it is inexpedient to carry out and observe those trusts or apply the property solely for the same or like purposes as the trusts on which it is currently held.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Clergy Removals Fund Ordinance 2003.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the capital fund is held, it is inexpedient to carry out and observe those trusts or apply the capital fund solely for the same or like purposes as the trusts on which it is currently held, and it is expedient to amend those trusts in the manner set out in clause 4.

3. Definitions

In this Ordinance -

"Removals Fund Administrator" means Sydney Diocesan Secretariat or such other body as the Standing Committee may appoint by resolution from time to time to be the Removals Fund Administrator.

"Removals Fund Rules" means the rules set out in the schedule to this Ordinance.

4. New trusts

The capital fund will henceforth be held by the Property Trust with the income to be paid to or applied at the direction of the Removals Fund Administrator to reimburse the removal expenses of members of the clergy and their families in accordance with the Removals Fund Rules.

5. Reports to the Standing Committee

(1) The Removals Fund Administrator is to report in writing each year about the application in the previous calendar year of the income paid to the Removals Fund Administrator under clause 4.

(2) The report is to be made to the Standing Committee, or to such other person or committee as the Standing Committee may determine by resolution from time to time.

6. Review of ordinance

This Ordinance is to be reviewed as soon as possible after the 10th anniversary of the date of assent.

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7. Transitional

The Removals Fund Rules apply to removal costs incurred on or after 1 March 2003. Any removal costs incurred before that date are subject to the regulations contained in the Schedule to the Moorebank Estate Ordinance 1977. Those regulations do not apply to removal costs incurred on or after 1 March 2003.

Schedule Removals Fund Rules

1. Definitions

In these rules -

“Archbishop” means the Archbishop of Sydney or the Commissary of the Archbishop of Sydney or, if the See of Sydney is vacant, the Administrator of the Diocese or the Commissary of the Administrator of the Diocese.

“average reimbursement amount” means the average amount reimbursed under these Removals Fund Rules as calculated from time to time by the Removals Fund Administrator.

“cost” means proper and reasonable costs as determined by the Removals Fund Administrator, and does not include costs of an unusual nature.

“Diocese” means the Diocese of Sydney.

“office or position” means -

- (a) the office of Archbishop, assistant bishop or archdeacon in the Diocese, and
- (b) an office or position in the Diocese for which the member of the clergy held or will hold, as the case may be, the licence of the Archbishop, other than a licence known as a “general licence”.

“removal cost” means -

- (a) where a member of the clergy has been appointed to an office or position - the cost of moving the furniture and furnishings of the member of the clergy and his or her family from the place at which they were residing prior to the appointment to the residence at which they will be residing while the member of the clergy performs the duties of that office or position, or
- (b) where a member of the clergy held an office or position at the time of their death - the cost of moving the furniture and furnishings of the family of that member of the clergy from the residence at which that family was residing immediately before his or her death to the place at which the family propose to first reside thereafter, or
- (c) where a member of the clergy retires and held an office or position at the time of their retirement - the cost of moving the furniture and furnishings of the member of the clergy and his or her family from the residence at which they were residing at the time of retirement to the place at which they propose to first reside thereafter.

“retires” means retirement from full time work or service by reason of age, ill-health or physical disability.

2. Payment of removal cost upon appointment to an office or position

(1) Subject to subrules 2(2), 2(3) and 2(4), a member of the clergy who is appointed to an office or position is entitled to be reimbursed an amount equal to 25% of the removal cost.

(2) If a member of the clergy is appointed to an office or position in a provisional parish, the amount to be reimbursed is -

- (a) if the member of the clergy moves to the office or position from a place within the Diocese – the removal cost, or
- (b) if the member of the clergy moves to the office or position from a place outside the Diocese, the lesser of -
 - (i) the removal cost, and
 - (ii) 50% of the average reimbursement amount.

(3) If the member of the clergy moves to an office or position where the stipend payable is greater than the minimum stipend for a minister recommended by the Standing Committee from

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time to time, the Removals Fund Administrator may, in its discretion, reduce the amount to be reimbursed under this rule.

(4) If a person other than the member of the clergy paid the removal cost arising upon appointment to an office or position, the reimbursement under this rule is to be paid to or at the direction of the person who paid that cost.

3. Payment of removal cost upon the death of a member of the clergy

(1) Subject to subrules 3(2) and 3(3), the surviving spouse of a member of the clergy who held an office or position at the time of his or her death is entitled to be reimbursed an amount equal to the removal cost.

(2) If the surviving spouse moves to a place outside the Diocese and that place is more than 175 kilometres from the place at which he or she resided at the time of the death of their spouse, the amount to be reimbursed is the lesser of –

- (a) the removal cost, and
- (b) 50% of the average reimbursement amount.

(3) If a person other than the surviving spouse paid the removal cost, the reimbursement is to be paid to or at the direction of the person who paid that cost.

4. Payment of removal costs upon retirement

(1) Subject to subrules 4(2) and 4(3), a member of the clergy who held an office or position at the time of their retirement, is entitled to be reimbursed an amount equivalent to the removal cost.

(2) If the member of the clergy moves to a place outside the Diocese and that place is more than 175 kilometres from the place at which he or she was residing at the time of their retirement, the amount to be reimbursed is the lesser of –

- (a) the removal cost, and
- (b) 50% of the average reimbursement amount.

(3) If a person other than the member of the clergy paid the removal cost, the reimbursement is to be paid to or at the direction of the person who paid that cost.

5. Archbishop may direct in particular cases

The Archbishop may by written notice to the Removals Fund Administrator direct a reimbursement from the Fund in a particular case of a greater amount than is permitted by rules 2, 3 or 4.

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

R TONG
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 10 February 2003.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
12/2/2003