

Clergy Superannuation.

111889
 AN ORDINANCE to consolidate and amend the Ordinances relating to the Superannuation of Clergymen.

(Assented to 20 August, 1889. Amended 26 August, 1896, 22 September, 1898, and 20 September, 1901.)

WHEREAS by the Superannuation Ordinance of 1876 and the Superannuation Amending Ordinances of 1877, 1880, 1881, and 1886 power is given to provide a fund for the partial support of Clergymen permanently incapacitated by age or infirmity for the continued due discharge of their functions and to make Rules for the management of such Fund. And whereas it is expedient to consolidate and amend the said Ordinances. 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:—

1.—*Existing Fund to be under New Ordinance.*

The Fund established under the provisions of the Superannuation Ordinance of 1876 and the other Ordinances herein repealed for the payment of Pensions to the Clergy and known as the Superannuation Fund shall from the date of the passing of this Ordinance be subject to the provisions of the same and shall be under the management of Trustees as hereinafter provided and the Trustees now existing of the said Fund elected under the provisions of the said repealed Ordinances shall continue to be the Trustees of the said Fund subject to the provisions in that behalf contained in this Ordinance and the Subscribers to the said Fund shall from the date of the passing of this Ordinance be subject to the provisions hereof.

2.—*Membership.*

A Minister may become a member of the Clergy

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Superannuation Fund with the approval of the Trustees if he is duly licensed as Minister or Assistant Minister of any Parish or Ecclesiastical District in the 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 the Diocese or as Chaplain of any Cemetery or as salaried officer of any Diocesan Society 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 so long as he holds any license of the Bishop or subject to the provisions made on that behalf so long as he holds any license of any Bishop of any Diocese in the Province of New South Wales. 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 said Fund upon payment of a sum equal to thirteen pounds per annum and compound interest at six pounds per centum 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.

3.—*Ministers when first licensed to become Members.*

From and after the passing of this Ordinance every Minister applying for the first time for the license of the Bishop of the Diocese provided such license be as Minister or Assistant Minister of any Parish or District or to any of the offices aforesaid shall be required if the Trustees so desire upon the issue of such license and as a condition of its being issued to become a Member of the Clergy Superannuation Fund and sign an undertaking in the Form contained in Schedule B of this Ordinance.

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4.—Funds, how to be raised.

1. Every Member of the Fund shall pay to the Treasurer thereof the sum of five pounds per annum in equal 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 as aforesaid the first payment of twenty-five shillings to be made at the time of signing the undertaking contained in Schedule B of this Ordinance.

2. Every Parish or Ecclesiastical or Mission District shall contribute at least the sum of Eight pounds annually for every Minister or Assistant Minister licensed to or for such Parish or District which amount shall be paid by the Churchwardens to the Treasurer of the Fund on or before the thirty-first day of March in each year.

3. Subscriptions of eight pounds per annum due on or before the thirty-first day of March in every year shall be paid by or in behalf of any College Society or Institution having a duly licensed Minister holding any office therein who is a Member of the Fund one such subscription being payable for every such Member.

4. Annual Subscriptions Donations and Legacies shall be solicited from the Laity.

5. 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.

5.—Investment of funds, and payments.

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 1896 under the appellation of the Superannuation Reserve. The remaining four-fifths principal and interest shall after payment of expenses be available for the

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payment of Superannuation allowances and such other purposes as are authorised by this Ordinance until the end of June 1896 after which period the interest of the Reserve Fund shall also be available for such purposes.

6.—*Management of Fund, Trustees how appointed.*

The management of the Superannuation Fund and the Reserve Fund shall be vested in seven Trustees to be elected by the Synod three being Ministers and Members of the Fund and four being Lay Members of the Synod Of such seven Trustees one Clerical and one Lay Member shall retire annually in the order of seniority of election but either or both may be re-elected The Trustees shall annually appoint out of their number a Chairman Treasurer and Secretary All or any of the Trustees for the time being may in any Session be removed by a vote of Synod All vacancies at any time occurring in the number of the Trustees when the Synod is not in Session shall be filled up by the continuing Trustees Any person so appointed Trustee shall remain in office only until the next ordinary Session of the Synod. Three Trustees shall for all purposes form a quorum at meetings of the Trustees. Should any Trustee absent himself from the meetings of the Trustees for six months consecutively without leave his seat shall become vacant and the vacancy shall be duly filled up.

7.—*Disposal of moneys.*

All moneys coming into the hands of the Trustees under this Ordinance shall forthwith be paid into a Bank to the credit of the Trustees of the Clergy Superannuation Fund and as early as practicable thereafter shall be invested in Government securities or in deposits in Savings or Joint Stock Banks in this Colony or in City and Suburban Corporation Debentures or in first Mortgages on freehold properties within the Colony or in such other manner as the Synod may from time to time authorise.

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8.—*Trustees to report, etc.*

The Trustees shall present to the Synod at every ordinary Session a report on the state of the Fund in addition to which a careful investigation of and report upon its state and probable efficiency shall be made every fifth year beginning with the year 1891 and the Trustees shall have power to call in the aid of a professional Actuary at the expense of the Fund to assist them in that duty.

9.—*Ministers applying to be superannuated.*

Whenever a Member of the Clergy Superannuation Fund desires on account of age or bodily or mental infirmity to be released from his duties he may send to the Bishop an application in writing to be superannuated. The Bishop shall refer such application to the Standing Committee for their enquiry and report. If the Bishop and the Standing Committee are satisfied as to the sufficiency of the grounds of such application the Bishop shall declare such Member superannuated and thereupon if such Member has been a member under this Ordinance or any of the Ordinances hereby repealed for ten years or upwards and shall have paid all sums due by him as such member the Trustees or a majority of such 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 the license of the Bishop or should he desire to retain such license then in addition to some portion of such benefits if the Bishop and the Standing Committee so recommend subject to the sanction of the Trustees.

10.—*Bishop or Churchwardens may take steps to superannuate.*

Whenever the Bishop shall be of opinion that any Member being the Minister of any Parish or Ecclesiastical or Mission District is permanently incapacitated by age or mental or bodily infirmity for the continued dis-

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charge of the duties appertaining to his office or position or whenever the majority of the Churchwardens together with not less than ten Communicants resident in the said Parish or District shall be of that opinion and shall send to the Bishop a representation in writing to that effect with an application for the superannuation of such Member the Bishop shall in either case send formal notice of such opinion or representation to the said Member and on receipt of his reply shall refer such representation and application and reply to the Standing Committee. Should the Member neglect for the space of one month to forward his reply to the Bishop the Bishop shall in such case refer such representation and application to the Standing Committee. The Committee shall thereupon forthwith enquire into the matter taking any evidence that may be offered by the Churchwardens or the Member and any further evidence they may deem necessary and shall report to the Bishop their opinion thereon and if the Bishop and Standing Committee are satisfied of the sufficiency of the grounds of the application the Bishop shall declare such Member superannuated and thereupon if such Member has been a member under this Ordinance for ten years or upwards, and shall have paid all sums due by him as such member the Trustees or a majority of them shall assign to such Member a Superannuation Allowance according to the scale specified in the 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 the license of the Bishop.

11.—*On restoration to health members to resume duty.*

If the health of any Member Superannuated upon his own application 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 may require him to re-

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sume Ministerial duty and if he decline to undertake the same unless his inability to do so be certified by three duly qualified medical men he shall forfeit his right to his Superannuation Allowance and if he resume his duties such allowance shall be discontinued but he shall continue to be a Member of the Fund so long as he holds the license of the Bishop whether he continue to subscribe thereto or not and in the event of his becoming again superannuated if he have renewed his subscriptions he shall receive such increased allowance as he may become entitled to under the provisions of this Ordinance.

12.—Forfeiture of superannuation.

If any Member superannuated upon his own application 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 Bishop and the Standing Committee is deemed sufficient 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 Bishop and the Standing Committee shall so determine. But if he holds the license of the Bishop 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 becoming again superannuated if he have renewed his subscriptions he shall receive such increased allowance as he may become entitled to under the provisions of this Ordinance.

13.—Parish, if in arrears, disqualified.

The power given under this Ordinance to the Churchwardens and Communicants of every Parish or Ecclesiastical or Mission District 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 or Mission

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District nor until such arrears if any 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.

14.—*Deficiency in funds provided for.*

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

15.—*Members removing, etc.*

Any Member who shall remove from the Diocese or Province 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 under this Ordinance shall be entitled to receive back the amount paid by him to the Fund subject to any deduction for fines provided that in no case shall a Member be entitled to receive a sum exceeding five pounds for every year of his Membership or at the rate thereof.

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

In case any Minister being a Member of the Fund shall die before Superannuation or before he has 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 paid by the deceased subject to any deduction for fines provided that in no case shall there be returned a sum exceeding

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five pounds for every year of the membership of the deceased or at the rate thereof.

17.—*Ministers removing to another Diocese in the Province.*

Any Member of the Fund removing to any other Diocese in the Province of New South Wales may so long as he holds the license of the Bishop of such Diocese 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 a case application for the said Member to be superannuated can be made only by himself and only if the said payment of eight pounds has been regularly made or in the event of there being any arrears in such payment if such arrears 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.

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

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 this Colony 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 the Trustees or a majority of them shall assign to him a Superannuation Allowance according to the scale specified in Schedule A of this Ordinance and he shall be entitled to receive the same without any liability to forfeiture so long as he holds any license of any Bishop of any Diocese in the Province of New South Wales.

19.—*Power to make Rules.*

The Trustees may make and alter Rules from time to

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time for their guidance and for regulating the time and mode of payment of moneys to and by their Treasurer as may be found necessary such Rules not being repugnant to this Ordinance All such Rules and alterations of such Rules shall be reported to the next ordinary Session of Synod which shall have power to confirm repeal or alter the same. The existing Rules made under the Ordinances herein repealed and confirmed by the Synod March sixth 1877 shall remain in force until altered or repealed as herein provided.

20.—*Interpretation Clause.*

The word Bishop in this Ordinance when not inconsistent with the context shall be held to signify the Bishop of the Diocese of Sydney duly appointed thereto or his Commissary duly appointed by him to act in his absence, or if the See be vacant the Guardian of the Spiritualities of the See.

21.—*Repeal of Ordinances.*

The following Ordinances are hereby repealed, viz. :—

- (a.) The Superannuation Ordinance of 1876.
- (b.) The Superannuation Amending Ordinance of 1877.
- (c.) The Superannuation Amending Ordinance of 1880.
- (d.) The Superannuation Amending Ordinance of 1881.
- (e.) The Superannuation Amending Ordinance of 1886.

22.—*Short Title.*

This Ordinance shall be known as the "Clergy Superannuation Consolidating and Amending Ordinance of 1889."

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SCHEDULE A.

Superannuation Allowances.

Every member having completed ten years of membership or more and having duly paid his subscription and all fines if any have been incurred and having been duly Superannuated shall receive a Superannuation Allowance as follows:—

1. If he has paid during the period of ten years the sum of fifty pounds and if on his account the Treasurer has received from any source the further sum of eighty pounds his Superannuation Allowance shall be seventy-five pounds per annum payable quarterly.

2. If he has paid during the period of ten years the sum of fifty pounds to the Fund and if the Treasurer has received on his account from any source a further sum less than eighty pounds his Superannuation Allowance shall be the reduced sum of fifty pounds per annum payable quarterly until such sum of eighty pounds together with compound interest on the deficit at the rate of six pounds per centum per annum shall have been made up by special contribution or until such time as the said deficit together with interest as aforesaid shall have been equalled by the reduction in the allowance reckoning twenty-five pounds per annum together with compound interest.

3. In addition to the above allowances there shall be added in every case the sum of three pounds per annum extra for each completed year of Membership (during which the amounts of five pounds and eight pounds as aforesaid have been duly paid) beyond ten and up to twenty years and after twenty years four pounds per annum in like manner and on like conditions.

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SCHEDULE B.

New Members Agreement with the Trustees.

I the undersigned aged.....years being married (unmarried) do hereby accept membership of the Clergy Superannuation Fund in the Diocese of Sydney New South Wales and I hereby agree with the Trustees for the time being of the said Fund to be bound by and in all respects to conform to the provisions of the Clergy Superannuation Consolidating and Amending Ordinance of 1889 or any amendment thereof and to make all the payments therein required as long as I hold any qualification for Membership specified therein or in any amendment thereof duly made.

Dated at.....

this day of

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Witness.....
