

# Sydney Diocesan Sickness and Accident Fund Ordinance Amending Ordinance 1991

No 58, 1991

An Ordinance to amend the Sydney Diocesan Sickness and Accident Fund Ordinance 1969 (the "Principal Ordinance").

Whereas

A. The Sydney Diocesan Sickness and Accident Fund Ordinance 1969 established a Fund (the "Fund") to provide benefits to parochial units during temporary total or partial incapacity through sickness or accident of clergymen in the Diocese of Sydney.

B. It is expedient to extend the benefits of the Fund to parochial units in respect of the temporary total or partial incapacity through sickness or accident of full-time lay workers and to extend the benefits of the Fund to the Anglican Home Mission Society in respect of the temporary total or partial incapacity through sickness or accident of HMS chaplains.

C. The Synod has approved grants payable to the Fund in 1992 of \$17,900 to maintain the present Fund and a further \$17,900 for the extension of benefits referred to in recital B.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Fund is held or will be held in the case of the Synod grants for 1992, it is inexpedient to carry out and observe the same to the extent that the same 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 -

## Citation

1. This Ordinance may be cited as the "Sydney Diocesan Sickness and Accident Fund Ordinance Amending Ordinance 1991".

## Declaration of inexpediency

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Fund is held or will be held in the case of the Synod grants for 1992, it is inexpedient to carry out and observe those trusts to the extent that they are hereby varied.

## Amendment of Principal Ordinance

3. The Principal Ordinance is hereby amended so that, on and from 1 January 1992 and until it is further amended, the provisions of the Principal Ordinance will be the provisions in the Schedule to this Ordinance.

## Transitional

4. Notwithstanding the amendments made to the Principal Ordinance under clause 4, benefits will not be payable from the Fund for a period of total or partial incapacity through sickness or accident of a lay person or HMS chaplain which commences prior to 1 January 1992.

## Schedule

### Long Title

An Ordinance to provide for the administration of the Sydney Diocesan Sickness and Accident Fund.

### Preamble

Whereas it is desirable to provide for the administration of the Fund,

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 -

# Sydney Diocesan Sickness and Accident Fund Ordinance Amending Ordinance 1969

## Citation

1. This Ordinance may be cited as "Sydney Diocesan Sickness and Accident Fund Ordinance 1969".

## Commencement

2. This Ordinance commences on 1 April 1970.

## Definitions

3. In this Ordinance, unless the context otherwise requires -

"Determined rate of benefit" means the rate of benefit fixed from time to time by the Secretariat.

"Fund" means the Fund established under this Ordinance.

"Person" means:

- (a) a person in holy orders licensed as incumbent to a parochial unit or licensed as curate or assistant minister in a parochial unit in the Diocese;
- (b) a person holding an authority under the Deaconesses, Readers and Other Lay Persons Ordinance 1981 who is employed on a full-time basis to assist a person referred to in paragraph (a);
- (c) an HMS chaplain;
- (d) the Dean; and
- (e) a person in holy orders licensed to a clerical office associated with St Andrew's Cathedral.

"Parochial unit" means a parish, a provisional parish, an assisted provisional parish and St Andrew's Cathedral.

"Secretariat" means the Sydney Diocesan Secretariat being the body corporate constituted by the Sydney Diocesan Secretariat Ordinance 1973.

"Year" means a period of 12 calendar months commencing on 1st January.

## Intent of the Fund

4. The Fund is to help parochial units and the Anglican Home Mission Society to meet any short-term additional costs incurred when persons are unable to perform their normal ministry duties due to sickness or accident.

## Administration of the Fund

5. The Secretariat is to administer and apply the Fund in accordance with this Ordinance and may charge any administration expenses to the Fund.

## Fixing a Determined Rate of Benefit

6. Prior to the commencement of each year, the Secretariat must fix the determined rate of benefit for that year.

## Circumstances in which a Claim can be Made

7. A claim can be made on the Fund if a person has been unable to perform that person's duties -
  - (a) for more than 14 days due to total incapacity caused by sickness or accident; or
  - (b) for more than 28 days due to partial incapacity caused by sickness or accident.

## Limitations on benefits

8. (1) The period during which benefits are payable for any person is limited to -

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- (a) 12 months for any one or more periods of total incapacity commencing in a year; and
  - (b) 6 months for any one or more periods of partial incapacity commencing in a year.
- (2) Benefits payable from the Fund are limited to the lesser of the total of the amounts paid to a temporary assistant or temporary assistants for the performance of some or all of the duties of the incapacitated person and -
- (a) in the case of total incapacity, the determined rate of benefit for the period by which the period of incapacity exceeds 14 days; or
  - (b) in the case of partial incapacity, the determined rate of benefit for the period by which the period of incapacity exceeds 28 days.
- (3) Benefits payable from the Fund are limited to the assets of the Fund.

### Making a Claim

9. (1) A claim can be made on the Fund by those who pay the stipend of a person who is incapacitated. Any medical or other evidence required by the Secretariat, including evidence of payments made for temporary ministry assistance, must accompany the claim.
- (2) Subject to clause 9(1), the Secretariat will pay to the claimants the benefit determined under clause 8.
- (3) Progress claims can be made for extended periods of incapacity.

### Direction of Standing Committee

10. The Standing Committee may, by resolution, direct the Secretariat to pay any claim or part of any claim where it appears to the Standing Committee that the circumstances giving rise to the claim are within the spirit and intent of this Ordinance.

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

E.D. Cameron  
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 16th day of December 1991.

W.G.S. Gotley  
Secretary

I Assent to this Ordinance.

Donald Robinson  
Archbishop of Sydney  
16/12/1991