
*Church of England Provident Fund (Sydney)
Amendment Ordinance 1976*

No. 38, 1976

AN ORDINANCE to provide further benefits under the Church of England Provident Fund (Sydney) Ordinance 1944 as amended, to amend the said Ordinance, and for purposes connected therewith.

WHEREAS it is expedient to amend the Church of England Provident Fund (Sydney) Ordinance 1944-1969 NOW the Synod of the Diocese of Sydney HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:—

1. (1) This Ordinance may be cited as the "Church of England Provident Fund (Sydney) Amendment Ordinance 1976".

(2) The Church of England Provident Fund (Sydney) Ordinance 1944-1969 is herein referred to as "the Principal Ordinance".

(3) The Principal Ordinance as amended by this Ordinance may be cited as the "Church of England Provident Fund (Sydney) Ordinance 1944-1976" and in any reprint of that Ordinance clause 1 shall be amended accordingly.

2. The Principal Ordinance is amended by the addition of a new clause to be numbered clause 25A as follows:—

"25A. The Board may at any time set aside from the Capital Account of the Fund) other than the Seventh Schedule Capital Account) a sum not exceeding Twenty thousand dollars (\$20,000) and place such sum to the credit of a Special Purposes Account. The Board may in its absolute discretion use and apply from time to time the whole or any part of the income or Capital of the Special Purposes Account for the maintenance, benefit or advancement of any member, whether superannuated or not, or the wife or widow of any member. In the event of payment out of any portion of the Capital of the Special Purposes Account, then the Capital of the Special Purposes Account may be recouped from accruing income received in the Special Purposes Account or from Reserves excepting Special Reserves up to a limit of Twenty thousand dollars (\$20,000) provided that the approval of the Actuary has first been obtained."

3. The Principal Ordinance is amended by deleting clause 42A and by substituting therefor a new clause 42A as follows:—

"42A. (1) Notwithstanding anything in this Ordinance contained—

- (a) An annuitant within six (6) months prior to or after the date on which he or she becomes entitled to superannuation may request the Board in writing to commute the annuity or any portion thereof into a lump sum.
- (b) The widow of a member within six (6) months after the date on which she becomes entitled to a pension may request the Board in writing to commute the pension or any part thereof into a lump sum.

(2) The Board may in its absolute discretion determine or refuse to grant any applicant a lump sum in place of an annuity or pension.

If the Board exercises its discretion in favour of the applicant

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the lump sum will be calculated by the Actuary having regard to the capital value of the annuity (or the portion thereof) or the pension (or the portion thereof) which the applicant requests to be commuted and the Board shall notify the applicant of the amount.

(3) If the applicant notifies the Board in writing that the applicant is willing to accept such lump sum in commutation of the annuity (or portion thereof), the Board shall pay such lump sum to the applicant within 30 days of such notification in satisfaction of the applicant's rights to the annuity (or portion thereof) or pension (or portion thereof).

(4) This clause does not apply to a Seventh Schedule Member."

4. The Principal Ordinance is amended by the addition of a further clause to be numbered clause 42B as follows:—

"42B. Notwithstanding anything in this Ordinance contained an annuitant who has not contributed under Table D of the Fourth Schedule or Table F of the Sixth Schedule may within six (6) months prior to or after the date on which he becomes entitled to superannuation apply in writing to the Board to have substituted for his annuity an annuity payable to the annuitant during the joint lives of the annuitant and his wife and upon the death of one of them to the survivor for his or her life. The Board in its absolute discretion may determine to grant or to refuse such an application. In the event of the Board exercising its discretion in favour of the applicant, the amount payable to the annuitant by way of annuity and to his prospective widow by way of pension shall be calculated by the Actuary on an equitable basis having regard to the annuity which would otherwise be payable."

5. The Principal Ordinance is amended by deleting clause 43 and by substituting therefor a new clause 43 as follows:—

"43. (1) This clause shall apply to members entitled to an annuity under Tables A, B or C.

(2) (a) If an annuitant who retired on or after attaining the age of 65 years, in the case of a male member, dies before attaining the age of 70 years, the annuity will continue to be paid to his estate until the seventieth anniversary of his birth.

(b) If a female annuitant who retired on or after attaining the age of 60 years, dies before attaining the age of 65 years, the annuity will continue to be paid to her estate until the sixty-fifth anniversary of her birth.

(3) If a male member dies before he attains the age of 65 years, or a female member dies before she attains the age of 60 years, and if all moneys owing to the Fund in respect of his or her membership are paid before or within six (6) months after his or her death, a sum equal to all subscriptions and amounts paid by the member to the Fund in respect of Superannuation Annuity accumulated at compound interest at 3 per centum per annum

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- shall be payable to his or her estate, such interest to be calculated by half-yearly rests as on 30 June and 31 December."
6. The Principal Ordinance is amended by the addition of a new clause 43A as follows:—
 "43A. In the event that a male annuitant dies never having married then a sum equal to the excess of the contributions made by he member to the Fund in respect of Superannuation Annuity over the amount of the annuity paid or payable to the annuitant or to the annuitant's estate shall be paid by the Board to the annuitant's estate."
7. The Principal Ordinance is further amended by the addition of a new clause 43B as follows:—
 "43B. (1) If the wife of a member dies prior to the member becoming entitled to an annuity or prior to the death of a member receiving an annuity then the amount contributed by the member to the Fund under Tables A, B, C, D and F of the Schedules shall be refunded to the member without interest.
 (2) If a member who has contributed under Table D of the Third Schedule or Table F of the Sixth Schedule and whose wife has died remarries and if no payment has been made to the member under sub-clause (1) of this clause, then if the member recommences contributions under Table D of the Third Schedule or Table F of the Sixth Schedule, as the case may be, within a period of two (2) months from the date of his remarriage, the member's second wife shall become entitled to receive a pension on the death of the member of an amount to be calculated by the Actuary on an equitable basis having regard to the total contributions which have been made by the member under Table D of the Third Schedule or Table F of the Sixth Schedule as the case may be."
8. The amendments to the Principal Ordinance made by this Ordinance shall operate and be deemed at all times to have operated as if they became effective on the 1st day of July, 1975, and any application in writing by an applicant who became entitled to superannuation after the first day of July, 1975 pursuant to clause 42A (1) or clause 42B which should have been made within six months after the date on which the applicant became so entitled may be made within six months after the date on which assent is given to this Ordinance.

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

ATHOL RICHARDSON,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this 11th day of October, 1976.

R. J. BOMFORD,
W. G. S. GOTLEY,
Secretaries of Synod.

I assent to this Ordinance.

11/10/76.

M. L. LOANE,
Archbishop of Sydney.