
Clergy Provident Fund (Sydney) Ordinance 1944.

No. 9, 1944.

AN ORDINANCE to amend and consolidate the Ordinances relating to the CLERGY PROVIDENT FUND (SYDNEY) and for purposes connected therewith.

The Synod of the Diocese of Sydney ordains as follows:—

Part I.—PRELIMINARY.

1. (1) This Ordinance may be cited as the "CLERGY PROVIDENT FUND (SYDNEY) ORDINANCE, 1944."

(2) This Ordinance shall come into force on the first day of January, 1945.

(3) This Ordinance is divided into Parts, as follows:—

PART I.—PRELIMINARY. Clauses 1-4.

PART II. — BOARD OF DIRECTORS,
Clauses 5-17.

PART III.—POWERS AND DUTIES OF
BOARD. Clauses 18-23.

PART IV. — APPLICATION OF FUND.
Clauses 24-25.

PART V.—MEMBERSHIP AND SUBSCRIP-
TIONS: Clauses 26-32.

PART VI.—ANNUITIES AND PENSIONS.
Clauses 33-42.

PART VII.—REFUND OF SUBSCRIPTIONS.
Clauses 43-44.

PART VIII.—GENERAL. Clauses 45-48.

FIRST SCHEDULE.—Repealed Ordinances.

SECOND SCHEDULE.—Form of application
for Membership.

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THIRD SCHEDULE.—Tables of Subscriptions.

FOURTH SCHEDULE.—Tables of Benefits.

2. (1) The Ordinances and Rules mentioned in the First Schedule are hereby repealed but such repeal shall not, unless otherwise provided by this or any subsequent Ordinance, affect—

- (a) any right accrued or obligation incurred before the commencement of this Ordinance;
- (b) the validity or invalidity or any operation effect or consequence of any instrument executed or made or of any act done or suffered before the commencement of this Ordinance; or
- (c) any action proceeding or thing pending or uncompleted; every such action proceeding or thing may be carried on or completed as if initiated under this Ordinance.

(2) Such repeal shall not deprive any annuitant or pensioner of any annuity or pension to which he is presently entitled on the date this Ordinance comes into force.

(3) The repeal of any Ordinance or Rule by which any previous Ordinance or Rule was repealed shall not have the effect of reviving any such last mentioned Ordinance or Rule.

(4) All members of the Fund at the date on which this Ordinance comes into force shall continue to be members subject to the provisions of this Ordinance and this Ordinance shall apply to them accordingly.

(5) All persons appointed under or by virtue of the provisions of any Ordinance hereby repealed and holding office at the date on which this Ordinance comes into force shall remain in office as if this Ordinance had been in force at the time when they were appointed and they had been appointed thereunder and this Ordinance shall apply to them accordingly.

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(6) Where any Ordinance or Rule repealed by this Ordinance is mentioned or referred to in any Ordinance Rule or document that Ordinance Rule or document shall except as otherwise provided by this or any subsequent Ordinance be read as if the corresponding provision (if any) of this Ordinance was therein mentioned or referred to and substituted for the repealed Ordinance or Rule.

3. In this Ordinance unless the context or subject matter otherwise indicates or requires:—

“Annuitant” means a member who has been superannuated.

“Annuity” means the annuity payable to an annuitant.

“Clergyman” means any clerk in Holy Orders licensed in any Diocese of the Church of England in the Commonwealth of Australia or in any territory under the control of the Commonwealth or of any State thereof and includes a Bishop, Assistant Bishop or Coadjutor Bishop installed or licensed in any such Diocese.

“Director” means a member of the Board.

“Member” means a member of the Fund (other than an old member) admitted under the repealed Ordinances or this Ordinance.

“Old Member” means a person who or whose widow is in receipt of benefits under the provisions of the Clergy Superannuation Consolidating and Amending Ordinance of 1889 as amended or under the Rules for the management of the Clergy Widows' and Orphans' Fund for the Diocese of Sydney passed in 1896 as amended.

“Pension” means a pension payable to or for the benefit of the widow or children of a deceased member or annuitant.

“Pensioner” means a person to whom or for whose benefit a pension is payable.

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"Reserve Fund" means the Fund mentioned in Clause 24 of this Ordinance.

"The Board" means the Board of Directors of the Fund.

"The Fund" means the Clergy Provident Fund (Sydney).

"The Synod" means the Synod of the Diocese of Sydney.

Words importing the singular number include the plural number and vice versa.

Words importing the masculine gender include the feminine gender.

4. This Ordinance shall in all respects take effect subject to the Church of England Clergy Provident Fund Act 1908, and the Church of England Clergy Provident Fund (Sydney) (Amendment) Act, 1941.

Part II.—BOARD OF DIRECTORS.

5. The Board shall be constituted in manner following:—

- (1) Five clergymen (being members), and six laymen shall be elected to the Board by the Synod.
- (2) The Synods of each of the Dioceses of Tasmania, Goulburn and Armidale shall be entitled to appoint or by Ordinance provide for the appointment of a Director to the Board but such appointment shall only be made if six persons being members or annuitants shall be resident in such Diocese at the time of such appointment. A Director so appointed shall hold office for three years but shall cease to

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hold office if in the Diocese by whose Synod or otherwise he was appointed there shall cease to be resident six persons who are members or annuitants.

6. On the first day of each ordinary session of the Synod the two clergymen and two laymen elected by the Synod who shall have been longest in office shall retire. The length of time a Director has been in office shall be computed from his last election. As between two or more clergymen or two or more laymen who have been in office an equal length of time the Directors to retire shall in default of agreement between them be determined by lot.

7. A retiring Director shall be eligible for re-election.

8. If at any session of the Synod at which any election of a Director ought to take place the place of any retiring Director be not filled up such retiring Director shall if willing to continue a Director be deemed to be re-elected.

9. The Casual Vacancies Ordinance 1935 shall not apply to this Ordinance.

10. (1) Any casual vacancy of a Director elected by the Synod may be filled ad interim by the Standing Committee of the Synod when the Synod is not in session.

(2) The tenure of office of a person filling such a casual vacancy shall be until the vacancy is filled at the next ensuing ordinary session of the Synod or in case of failure by such session of Synod until the vacancy is again filled by the Standing Committee or some subsequent ordinary session of Synod. Provided that the person appointed or elected to fill the casual vacancy shall cease to hold office at the time at which the person who filled the office immediately before the casual vacancy occurred would have ceased to have held office if the casual vacancy did not occur without prejudice however to his eligibility for re-election or re-appointment.

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11. The appointment of a Director in pursuance of sub-clause (2) of Clause 5 hereof and the filling of any casual vacancy in respect of such Director shall be in accordance with such provisions as may be made by the Synod of the Diocese entitled to appoint such Director.

12. (1) The office of a Director shall ipso facto be vacated on—

- (a) his resignation in writing addressed to the Board and to the Secretary or other proper officer of the Synod of the Diocese which such Director represents;
- (b) his death;
- (c) his bankruptcy or executing a deed of assignment or arrangement for the benefit of creditors.
- (d) his loss of qualification for the office;
- (e) His incapacity to act or absence from meetings continued for a period of three months in the case of a Director representing the Synod of the Diocese of Sydney or six months in the case of a Director representing the Synod of any other Diocese without the leave of the Board, or
- (f) a resolution by the Synod which he represents or by the Standing Committee of such Synod when such Synod is not in session declaring his office vacant.

(2) If it shall have come to the knowledge of the Board or the Secretary or other proper officer of the Diocese which a Director represents that the office of such Director has become vacant the Board or the Secretary or other proper officer as the case may be shall forthwith give notice thereof to the other.

13. (1) The Board shall from time to time elect from its members a Chairman and Deputy Chairman. The Chairman and Deputy Chairman shall hold office until the first meeting of the Board in the next succeed-

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ing year and thereafter until their respective successors are elected. A retiring Chairman or Deputy Chairman shall be eligible for re-election.

(2) If at any meeting the Chairman is not present within five minutes of the time appointed for holding the meeting the Deputy Chairman shall be the Chairman of the meeting; if neither the Chairman nor Deputy Chairman are then present the Directors present may choose one of their number to be Chairman of the meeting.

14. Three members of the Board shall for all purposes form a quorum.

15. Questions arising at any meeting of the Board shall be decided by a majority of votes, each Director present in person being entitled to one vote, but in case of equality of votes the Chairman of the meeting shall have a second or casting vote.

16. All acts done by the Board or by any committee thereof or by any person acting as Director shall notwithstanding that there is a vacancy in the Board or that it be discovered that there was some defect in the election or appointment of the Board or Committee or Director be as valid as if such Board or Committee or Director had been duly elected or appointed.

17. A Director or Officer of the Fund shall be accountable only for his own acts receipts neglects or defaults and not for those of any other Director or Officer nor for any banker broker or any person with whom any moneys or securities of the Fund may be deposited nor for the insufficiency or deficiency of any securities nor for any other loss unless the same happens through his own wilful neglect or default.

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Part III.—POWERS AND DUTIES OF BOARD.

18. (1) The Board shall manage and control the Fund.

(2) Without prejudice to the generality of the foregoing power the Board may do all or any of the following things:—

- (a) appoint employ and remove such agents and servants as the Board may deem necessary to carry on the management and administration of the Fund and determine their powers and duties and fix and pay their fees salaries or emoluments;
- (b) establish one or more bank accounts and determine in what manner and by whom such accounts should be operated on;
- (c) delegate all or any of its powers to committees consisting of such member or members of the Board as it thinks fit. Any Committee so formed shall in the exercise of the powers so delegated conform to any regulation or direction that may be from time to time imposed on it by the Board;
- (d) borrow money either without security or secured by legal or equitable mortgage or other security on all or any of the assets of the Fund including moneys to become owing to the Fund;
- (e) sell, lease, or otherwise dispose of or deal with all or any of the assets of the Fund for such consideration and subject to such terms and conditions and otherwise in such manner, as the Board may deem expedient;
- (f) pay all costs and expenses of and incidental to the management and control of the Fund.

in: 19. (1) The Board may invest moneys of the Fund

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- (a) first mortgages on real property in any part of the Commonwealth of Australia;
- (b) funds stocks securities bonds debentures or Treasury bills of or guaranteed by the Government of the Commonwealth of Australia or of any State in the Commonwealth or of Great Britain or of any Dominion or State within the British Empire;
- (c) any of the stocks funds or securities of or upon which by any general order cash under the control of the Supreme Court of New South Wales in Equity may from time to time be invested;
- (d) debentures issued by the Municipal Council of any city in the Commonwealth;
- (e) deposits in the Commonwealth Savings Bank of Australia or of any Government or trading bank carrying on business in Sydney;
- (f) assurances on the lives of members effected with any Life Assurance Society approved by the Board;
- (g) a charge or charges upon any glebe lands or future rents profits and other income thereof;
- (h) the purchase of an estate in fee simple of land, whether improved or unimproved; and the construction, repair, alteration and maintenance of buildings and other improvements on such land;
- (i) the purchase of or subscription for such debentures and shares of any company with limited liability listed on the Sydney Stock Exchange units or sub units of a fixed investment trust as shall be certified in writing by

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two members of that Exchange to fall, in the opinion of such members, within the description of gilt-edged securities.

(2) The Board may from time to time vary or realise the investments.

(3) All investments shall be made in the name of the Board.

20. The Board shall cause minutes to be duly kept in books provided for the purpose:

- (a) of all appointments of officers by the Board;
- (b) of the names of the Directors present at each meeting of the Board and of any Committee thereof;
- (c) of all orders and regulations made by the Board;
- (d) of all resolutions and proceedings of meetings of the Board and of Committees thereof.

Any such minutes purporting to be signed by the Chairman of such meeting or of the next succeeding meeting shall be receivable as prima facie evidence of the matters stated in such minutes.

21. The Board shall lay upon the table of the Synod at each ordinary session a duly audited statement of the receipts and expenditure on account of the Fund during its preceding financial year and a duly audited balance sheet.

22. In the year 1948 and once at least in every five years thereafter the Board shall cause the assets of the Fund to be valued and the position of the Fund shall be submitted to and investigated by an Actuary. The Actuary shall report to the Board in writing on the financial position of the Fund and shall in his report recommend how any deficiency shall be made up and how any surplus shall be dealt with. The Board shall

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forward a copy of such report to the Standing Committee of the Synod which shall lay the same on the table of the next ordinary session of the Synod.

23. (1) For the administration of the Fund and for the giving effect to the objects of this Ordinance the Board may from time to time make rules and regulations not being inconsistent with the provisions of this Ordinance and repeal or amend such rules and regulations and substitute others in lieu thereof.

(2) The Board shall forward a copy of such rules and regulations to the Standing Committee of the Synod which shall lay the same on the table of the next ordinary session of the Synod.

(3) If the said Synod shall at any time pass a resolution disallowing any such rule or regulation such rule or regulation shall thereupon cease to have effect but such disallowance shall not invalidate any action or proceeding which may have taken place thereunder prior to such disallowance.

Part IV.—APPLICATION OF FUND.

24. The Board shall hold the sum of five thousand pounds set apart as a Reserve Fund in pursuance of the Clergy Provident Fund (Sydney) Reserve Fund Ordinance of 1908 and may from time to time apply the income derived from the investments thereof in making annual grants equally amongst the members in the Diocese of Sydney towards the payment of the annual subscriptions of such members for Superannuation Annuity or for Widows' and Orphans' Pension or for either of them provided that no such grant shall be made to any such member who is not a subscriber for Widows' and Orphans' Pension.

25. The Fund, other than the Reserve Fund shall be applied towards the payment of annuities and pensions to or in respect of old members and subject

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thereto towards the payment of annuities and pensions to or in respect of members, but nothing in the last preceding clause or in this clause shall affect any rights of other creditors of the Board against the Fund.

Part V.—MEMBERSHIP AND SUBSCRIPTIONS.

26. (1) Subject as hereinafter provided any clergyman shall be eligible to become a member of the Fund either for Superannuation Annuity or for Widows' and Orphans' Pension or both.

(2) Any clergyman desiring to become a member or to vary the term of his membership shall:—

(a) Apply for membership or for variation in the form set forth in the Second Schedule or in such other form as shall be approved by the Board and he shall agree and shall be deemed to have agreed that if and as from the date on which he is accepted as a member until he is superannuated or otherwise ceases to be a member he shall punctually pay all subscriptions and other amounts and interest which at any time may be owing by him to the Board in accordance with the terms and conditions of his membership and that he will observe, perform and be bound by the provisions of this Ordinance or any Ordinance amending or in substitution for this Ordinance and any regulations made thereunder;

(b) supply such evidence of the age and health of himself and his wife as the Board may require.

(3) The Board may—

(a) unconditionally accept an application;

(b) reject an application without stating any reason for so doing, or

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- (c) accept an application on such terms and conditions as it may determine and which may include either or both of the conditions following—
- (i) the payment of a subscription equal to or higher than the subscription provided by this ordinance in respect of the benefit specified in the application;
 - (ii) the payment of an amount either in one sum or by such instalments as the Board shall require.

(4) An applicant shall become a member of the Fund and subscriber thereto for the benefit for which he applied either on his application being unconditionally accepted or upon his acceptance in writing of the conditions determined by the Board in accordance with the provisions of paragraph (c) of sub-clause 3 of this clause.

27. (1) A member may at any time apply to become a subscriber for Superannuation Annuity or Widows' and Orphans' Pension or for either under a table of subscription different from the table under which he is then liable to subscribe.

(2) The provisions of Clause 26 shall apply in respect of any such application provided that—

- (a) The Board shall not accept such application unless and until all moneys owing to the Board by such member have been paid; and
- (b) if the member applies to subscribe at a lower rate than the rate at which he is then liable to subscribe he shall not be required to furnish evidence of health;
- (c) if the member applies to subscribe at a higher rate than the rate at which he is then liable to subscribe the Board may accept such appli-

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cation subject to the payment of a subscription or amount in accordance with sub-paragraph (c) of sub-clause 3 of Clause 26.

(3) A member whose application under sub-clause (1) is accepted shall, subject as herein provided, pay for the substituted benefit the subscription applicable to such benefit at the rate which would have been payable by him if he had been a subscriber for such benefit from the date on which his application for the original benefit had been accepted.

28. (1) Every member shall until his superannuation or death but subject to Clauses 29, 44 and 45 duly and punctually pay—

- (a) the annual subscription provided by the Third Schedule in respect of the benefit or benefits for which he has agreed to subscribe; and
- (b) any subscription or amount payable by him in accordance with paragraph (c) of sub-clause (3) of Clause 26.

(2) All subscriptions shall be paid by quarterly instalments in advance on the first day of January April July and October in each year.

(3) Any moneys owing to the Board not paid within one calendar month of the due date of payment shall be chargeable with interest at the rate of one penny per pound per month provided that the Board may in its discretion forego the payment of the whole or any part of such interest.

29. A member who has attained the age of 65 years and who before or after attaining that age has paid thirty annual subscriptions either for Superannuation Annuity or Widows' and Orphans' Pension under Tables A, B, and C and all other moneys owing by him to the Fund shall not be liable to pay any further subscriptions for the benefit in respect of which he has paid such subscriptions and moneys.

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30. A subscriber for Widows' and Orphans' Pension may provided that within six months or such further period as the Board may allow after his superannuation all moneys due at the date of his superannuation in respect of such pension have been paid continue to be a subscriber in respect thereof for so long as he desires after his superannuation.

31. Subject to Clause 29, a member shall continue to pay subscriptions for Widows' and Orphans' Pension during his membership until the date of the death of his wife or until his youngest child attains the age of 16 years whichever shall last happen.

32. (1) A member who has been or is a subscriber for Widows' and Orphans' Pension and who has married again, whether or not he had prior to such marriage ceased to be liable to subscribe for such pension, may apply to become a subscriber for the benefit of his wife and any children of such marriage.

(2) The provisions of Clause 26 shall apply in respect of any such application.

(3) A pension shall not be payable to or in respect of the widow and any children of such marriage unless all subscriptions and other moneys owing by such member have been paid in pursuance of this Clause.

Part VI.—ANNUITIES AND PENSIONS.

33. The respective rates of Superannuation Annuity and Widows' and Orphans' Pension shall be those specified in the Fourth Schedule.

34. A member, provided that he has paid not less than ten years subscriptions for Superannuation Annuity, shall be entitled to be superannuated and subject to Clause 41 to receive Superannuation Annuity as from the date he ceases to carry on regular and continuous duty as a clergyman—

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- (a) on or after attaining the age of sixty-five years;
or
- (b) by reason of permanent physical or mental incapacity which in the opinion of the Board renders him unable satisfactorily to carry on regular and continuous duty as a clergyman before attaining the age of sixty-five years.

35. A member desiring to be superannuated shall apply to the Board and shall furnish such evidence of his age or incapacity and that he has ceased or intends to cease to carry on regular and continuous duty as a clergyman as the Board may require. The Board may call upon any member applying to be superannuated by reason of incapacity to submit himself for examination by one or more medical practitioners approved by the Board who shall report to the Board as to the health of the member.

36. An annuitant may accept clerical duty or any office of profit of any character whatever but in that event he shall forthwith notify the Board and supply the Board with all information relative thereto, and thereupon the Board may in its discretion suspend or reduce the annuity of such annuitant.

37. The Board may at any time call upon any annuitant superannuated on account of incapacity and who shall not have attained the age of 65 years to submit himself for examination to one or more medical practitioners approved by the Board who shall report to the Board as to the health of the annuitant. If the Board is of opinion that the annuitant has without good reason failed to submit himself to such examination or after considering such report that the annuitant is fit for duty it shall notify the annuitant accordingly. On the expiration of six months from the date of such notification the Board may in its discretion suspend or reduce the annuity of such annuitant.

38. (1) If the annuity of an annuitant has been suspended under Clauses 36 or 37 the period of such sus-

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pension shall not be taken into consideration in arriving at the amount of any annuity or pension which may subsequently become payable in respect of such annuitant, and such annuitant shall not be liable to pay subscriptions in respect of such period. Provided that such annuitant shall have the right to pay such subscriptions and in that event the annuity or pension payable to him or to the widow and children of such annuitant shall be calculated accordingly.

(2) Subject to Clause 29 if any such annuitant carries on regular and continuous ministerial duty he shall become liable for subscriptions at the rate payable by him prior to his superannuation unless the Board in its discretion otherwise determines.

39. (1) A Widows' and Orphans' Pension subject to Clause 41 shall be payable out of the Fund to or in respect of the widow and children under 16 years of age of a deceased member or annuitant.

(2) An application for such pension shall be accompanied by such evidence of the ages of the children in respect of whom the pension is claimed and of other circumstances as the Board may require.

(3) The pension payable to a widow shall cease upon her marrying again.

(4) The pension payable in respect of any child or children of a deceased member—

(a) shall cease upon such child attaining the age of 16 years or dying under that age, and

(b) shall be payable to the mother or other person acting as guardian of such child.

40. In calculating the rate of pension payable under Tables A, B and C in respect of a widow and children of a member referred to in sub-clause (1) of Clause 32 the number of years' subscriptions paid in respect of the wife and children of the first marriage shall be taken into account.

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41. Subject to Clause 29 and except as hereinafter provided it shall be a condition precedent to the payment of an annuity or pension that all moneys owing to the Board by such member up to the date of his superannuation or death as the case may be have been paid, Provided that if all such moneys be not paid the Board may in its discretion on the advice of the Actuary either:

- (a) grant such annuity or pension as it shall deem just and proper having regard to the moneys paid; or
- (b) grant such annuity or pension as would have been payable if all moneys owing to the Board as aforesaid had been paid and retain and apply the instalments of annuity or pension as the case may be or such part thereof as the Board shall from time to time determine in and towards the payment of the moneys so owing by such member and interest thereon until such moneys and interest have been fully paid and satisfied.

42. Annuities and pensions shall be payable by such instalments as the Board may determine but not less frequently than once a quarter.

Part VII.—REFUND OF SUBSCRIPTION.

43. If a member shall die before or within one year after becoming entitled to Superannuation Annuity leaving a widow or child under the age of sixteen years and if all moneys owing to the Fund in respect of his membership shall have been paid or shall be paid before the expiration of six months after his death or such further period as the Board shall allow:

- (a) one fifth of all subscriptions and amounts paid by him personally in respect of his Superannuation Annuity shall be paid to the widow or be applied by the Board for the maintenance benefit or advancement in life of

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the widow and children of the deceased member or any one or more of them in such manner as the Board shall determine;

- (b) if the whole or part of the subscriptions or amounts in respect of his Superannuation Annuity has been paid out of any fund of or under the control of the Synod of any Diocese one fifth of such whole or part as the case may be shall be paid in such manner and to such persons as the Synod of such Diocese shall by or under ordinance thereof direct the Board either before or within six months after the death of the member or in default of any such direction or in so far as the same does not extend shall be paid and applied for the persons and in the manner mentioned in sub-paragraph (a) of this clause.

44. (1) If a member before becoming entitled to Superannuation Annuity shall satisfy the Board that he has ceased to carry on and does not intend to resume regular and continuous duty as a clergyman he shall be entitled either to continue or to resign his membership. In the event of his resignation and if all moneys owing to the Fund in respect of his membership shall have been paid or shall be paid before the expiration of six months after he ceases to carry on regular and continuous duty as a clergyman or such further period as the Board shall allow:—

- (a) one third of all subscriptions and amounts paid by him personally in respect of his membership (both for Superannuation Annuity and Widows' and Orphans' Pension) shall be paid to him;
- (b) if the whole or part of the subscriptions or amounts in respect of his membership has been paid out of any fund of or under the control of the Synod of any Diocese one third of such whole or part as the case may be shall

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be paid in such manner and to such persons as the Synod of such Diocese shall by or under ordinance thereof direct the Board either before or within six months after such member ceases to carry on regular and continuous duty as a clergyman and in default of such direction or in so far as the same does not extend shall be paid to him unless he has been deprived of his licence in which event it shall remain in the Fund.

(2) A member who has been deprived of his licence in consequence of the sentence of any ecclesiastical tribunal shall be deemed to have resigned his membership as at the date of the sentence and shall not be entitled to continue his membership.

Part VIII.—GENERAL.

45. (1) If a member during or at the expiration of the period of twelve years after the date on which he is accepted as a member is indebted to the Fund to the extent of three years' subscriptions either for Superannuation Annuity or Widows' and Orphans' Pension or both the Board shall send to him at his last known address by registered post a notice in writing informing him that his subscriptions are in arrear as aforesaid and enclosing a copy of this clause. If within three months of the date of posting of such notice or such further period as the Board may determine the full amount of such debt has not been paid neither the member nor his widow and children shall have any claim to any annuity or pension or to the payment of any moneys out of the Fund;

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(2) The Board may if it thinks fit upon proof of health satisfactory to the medical adviser of the Board at any time fully reinstate any such member upon his paying the amount of all subscriptions due by him up to the date of reinstatement together with compound interest at the rate not exceeding six per centum per annum and within such time or times and by such instalments as the Board may determine and thereupon such member shall be entitled to the same benefits and be subject to the same obligations as if he had continued a member of the Fund from the commencement of his membership without intermission.

46. The Board may appropriate any payment made by a member to the Board to any subscription or amount either for Superannuation Annuity or Widows' and Orphans' Pension owing by him or partly for one and partly for the other of them or to interest on overdue subscriptions unless the member at the time he makes such payment intimates to the Board the manner in which he desires such payment to be applied.

47. Nothing herein contained shall prevent the amalgamation of the Fund with any similar fund in any Diocese of the Commonwealth of Australia, provided that the Synod shall by Ordinance approve of such amalgamation.

48. (1) If any annuitant or pensioner or person entitled to receive money under Clauses 43 and 44 becomes bankrupt or is declared an insane or incapable person or does or attempts to do or suffers any other thing or if any event happens whereby the annuity pension or money were payable to him absolutely he would be deprived of the right to receive the same or any part thereof such annuitant or pensioner or person shall cease to be presently or presumptively entitled to any such annuity pension or money and the Board may in its discretion pay or apply such annuity pension or money in accordance with sub-clause (3) of this clause;

(2) If any such annuitant or pensioner or person is suffering from any physical or other disability which

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in the opinion of the Board renders him unable to manage his own affairs the Board may during such disability in its discretion pay or apply the annuity pension or money which but for this sub-clause would be payable to him in accordance with sub-clause (3) of this clause;

(3) Any annuity or pension mentioned in sub-clauses (1) or (2) may in the absolute discretion of the Board be applied for the maintenance support or otherwise for the benefit of such annuitant or pensioner or of such one or more of his dependants as the Board may in its absolute discretion determine and the payment or application of any moneys in pursuance of this sub-clause shall be a complete discharge to the Board in respect thereof.

First Schedule—REPEALED ORDINANCES AND RULES.

- The Clergy Superannuation Consolidating and Amending Ordinance of 1889.
- The Clergy Superannuation Amending Ordinance of 1896.
- The Clergy Superannuation Amending Ordinance of 1898.
- The Clergy Superannuation Amending Ordinance of 1901.
- Rules for the Management of the Clergy Widows' and Orphans' Fund, 1896.
- Rules to amend the last mentioned Rules 1902.
- Clergy Provident Fund Ordinance of 1906 (Sydney).
- Clergy Provident Fund (Sydney) Reserve Fund Ordinance of 1908.
- Clergy Provident Fund (Sydney) Ordinance Amending Ordinance of 1914.
- Clergy Provident Fund Further Amendment Ordinance of 1919.

Clergy Provident Fund (Sydney) Ordinance 1944.

- Clergy Provident Fund (Sydney) Increase of Benefits Amendment Ordinance, 1920.
- Clergy Provident Fund (Sydney) Increase of Benefits Amendment Ordinance, 1921.
- Clergy Provident Fund (Sydney) Ordinance Amending Ordinance of 1930.
- The Clergy Provident Fund (Sydney) Further Amendment Ordinance, 1933.
- Clergy Provident Fund Further Amendment Ordinance of 1937.
- Clergy Provident Fund Ordinance 1906 (Sydney) Amending Ordinance, 1939.
- Clergy Provident Fund Ordinance of 1906 (Sydney) Amending Ordinance, 1940.
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Second Schedule—APPLICATION FOR MEMBERSHIP

I, the undersigned.....
of.....in the State of.....
aged.....years being ⁽¹⁾.....and being a licensed
Clergyman in the Diocese of.....
do hereby apply for membership of The Clergy Provident Fund (Sydney) under Table ⁽²⁾.....for Superannuation Annuity and under Table ⁽³⁾ for Widows' and Orphans' Pension. My wife's name isand her age is.....years.

And I hereby agree with the Board of Directors of the said Fund that if and as from the date on which I am accepted as a member I shall punctually pay all subscriptions and other amounts and interest which at any time may be owing by me to the Board in accordance with the terms and conditions of my membership and that I will observe perform and be bound by the provisions of this Ordinance or any Ordinance amending or in substitution for this Ordinance and any regulations made thereunder.

DATED this.....day of.....19 ..

(1) State whether single, married or a widower. (2) State Table A, B or C.
(3) State Tables A, B, C, or D. Strike out if not applicable.

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Third Schedule—SUBSCRIPTIONS.

TABLE A.

Age at Entry.	Annual Sub. for Superannuation Annuity.			Annual sub. for Widows' and Orphans' Pension.		
	£	s.	d.	£	s.	d.
25 or under	15	0	0	11	4	0
Over 25 but not exceeding 30.	17	0	0	12	4	0
Over 30 but not exceeding 35.	20	0	0	13	4	0
Over 35 but not exceeding 40.	22	0	0	14	4	0
Over 40 but not exceeding 45.	23	0	0	15	4	0
Over 45	25	0	0	15	4	0

TABLE B.

Age at Entry.	Annual Sub. for Superannuation Annuity.			Annual sub. for Widows' and Orphans' Pension.		
	£	s.	d.	£	s.	d.
25 or under	12	0	0	9	0	0
Over 25 but not exceeding 30.	13	12	0	9	16	0
Over 30 but not exceeding 35.	16	0	0	10	12	0
Over 35 but not exceeding 40.	17	12	0	11	8	0
Over 40 but not exceeding 45.	18	8	0	12	4	0
Over 45	20	8	0	12	4	0

TABLE C.

Age at Entry.	Annual Sub. for Superannuation Annuity.			Annual sub. for Widows' and Orphans' Pension.		
	£	s.	d.	£	s.	d.
25 or under	9	19	4	7	9	4
Over 25 but not exceeding 30.	11	6	0	8	2	8
Over 30 but not exceeding 35.	13	6	0	8	16	0
Over 35 but not exceeding 40.	14	12	8	9	9	4
Over 40 but not exceeding 45.	15	6	0	10	2	8
Over 45	17	6	0	10	2	8

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TABLE D.

WIDOWS' AND ORPHANS' PENSION.

Age at Entry.	Annual Subscription required.		
	£	s.	d.
25 or under	13	15	0
Over 25 but not exceeding 30	16	0	0
Over 30 but not exceeding 35	20	10	0
Over 35 but not exceeding 40	25	5	0
Over 40 but not exceeding 45	30	15	0
Over 45	Such subscription as the Board acting on the advice of the Actuary shall determine.		

Where a member at the date of becoming a subscriber for Widows' and Orphans' Pension under Tables A, B or C is over 45 years of age and is more than five years older than his wife then the subscription to such Fund which otherwise would be payable by him shall be increased by fourteen shillings for each year or portion of a year that his age exceeds his wife's age by more than five years.

When a member, on becoming a subscriber for Widows' and Orphans' Pension under Table D is more than five years older than his wife then the subscription to such Fund which otherwise would be payable by him shall be increased by such amount as the Board shall determine on the advice of the Actuary.

If in the opinion of the Board it is inexpedient for some good and sufficient reason to accept an application for membership of the Fund for Superannuation Annuity or for Widows' and Orphans' Pension at the appropriate rate of subscription prescribed in Schedule III, but it is expedient to accept such application at some increased rate the Board may accept such application on such terms and conditions as it may stipulate including the payment of additional subscription or other amounts as provided by Clause 26 of the Ordinance.

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Fourth Schedule.—TABLE OF BENEFITS.**SUPERANNUATION ANNUITY.**

	TABLE A.			TABLE B.			TABLE C.		
	£	s.	d.	£	s.	d.	£	s.	d.
For ten years' subscriptions	68	15	0	56	5	0	47	18	4
For every additional annual subscription paid	6	5	0	5	0	0	4	3	4
Maximum annuity	193	15	0	156	5	0	131	5	0

WIDOWS' AND ORPHANS' PENSION.**WIDOWS' PENSION—TABLES A, B AND C.**

A minimum annual pension of £43 15s. 0d. plus in any case where more than ten annual subscriptions for Widows' and Orphans' Pension have been paid the following:—

	TABLE A.			TABLE B.			TABLE C.		
	£	s.	d.	£	s.	d.	£	s.	d.
Increase for each additional annual subscription	3	2	6	2	10	0	2	1	8
Maximum Widows' Pension	100	0	0	81	5	0	68	15	0

ORPHANS' PENSION—TABLES A, B AND C.

A pension of £10 per annum in respect of each child until such child shall attain the age of 16 years with a maximum of £62 10s. 0d, in respect of such children in any one family.

TABLE D.

The widow shall be entitled to a pension at the rate of £100 per annum and a pension at the rate of £26 per annum shall be payable in respect of each child until such child shall attain the age of 16 years. Such annual pension shall be irrespective of the duration of the membership.

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

W. G. HILLIARD, Bishop.

Deputy Chairman of Committees.

We certify that this Ordinance was passed this twenty-first day of November, 1944.

S. H. DENMAN
A. L. BLYTHE

} Secretaries of
the Synod.

I assent to this Ordinance.

HOWARD SYDNEY.

22nd November, 1944.