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*Sydney Diocesan Superannuation Fund Amendment  
Declaration and Variation of Trusts Ordinance 1970*

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No. 18, 1970

AN ORDINANCE to amend the Sydney Diocesan Superannuation Fund Ordinance 1961-1967.

WHEREAS the Synod of the Diocese of Sydney by the Sydney Diocesan Superannuation Fund Ordinance 1961-1967 has established a Fund known as the Sydney Diocesan Superannuation Fund for the superannuation of clergy and certain other persons in the Diocese of Sydney AND WHEREAS the assets of the said Fund are and at all material times have been church trust property for the purposes of the Diocese of Sydney but no such trusts in writing have been declared concerning the same AND WHEREAS it is expedient that trusts be declared accordingly AND WHEREAS it has been deemed desirable to admit to membership of the said Fund clergy and certain other persons in all dioceses of the Church of England in Australia AND WHEREAS by resolution No. 12 of 1969 the said Synod resolved that "this Synod welcomes and agrees to the request received from the General Synod of the Church of England in Australia and supported by the Standing Committee that membership in the Sydney Diocesan Superannuation Fund be open to all clergy and employees of organisations associated with the said church and asks Standing Committee to make such amendments as may be necessary and/or desirable to the Sydney Diocesan Superannuation Fund Ordinance as amended" AND WHEREAS for such purpose it is expedient that the trusts of the said Fund be varied to the extent (if any) hereinafter provided AND WHEREAS it has been deemed desirable to make provision for increased death benefits and for total and permanent disablement benefits for members of the Fund in certain cases 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:—

1. The Sydney Diocesan Superannuation Fund Ordinance 1961-1967 is in this Ordinance referred to as the "Principal Ordinance".

2. This Ordinance may be cited as "Sydney Diocesan Superannuation Fund Amendment Declaration and Variation of Trusts Ordinance 1970".

3. The Principal Ordinance as amended by this Ordinance may be cited as "Sydney Diocesan Superannuation Fund Ordinance 1961-1970".

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4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said Fund is held it is inexpedient to carry out and observe the same and such trusts are hereby varied to the extent (if any) hereinafter appearing.

5. The Principal Ordinance is amended as follows:—

- (a) By inserting after the definition "Presentation Board" in clause 2 the following definition "Synod means the Synod of the Diocese of Sydney".
- (b) By inserting after clause 2 the following new clause 2A:  
"2A. The assets of the said Fund are and at all material times have been and shall remain church trust property held upon trust for the purposes of the Diocese of Sydney in accordance with the provisions of this Ordinance".
- (c) By omitting from sub-clause (a) of clause 3 the brackets and number "(i)" and by omitting the whole of paragraph (ii) of sub-clause (a) of clause 3: provided that any person at present a member of the Board pursuant to appointment as a member of Church of England Property Trust Diocese of Sydney shall, subject to the provisions of the Casual Vacancies Ordinance 1935, continue in office until the ordinary session of Synod in the year 1972.
- (d) By deleting the words "of the" and "elected by Synod" appearing respectively before and after the word "Directors" where first appearing in clause 4.
- (e) By deleting sub-clause (2) (k) of clause 12 and by inserting new sub-clause (3) as follows:  
"(3) The Board shall keep with respect to each member a contribution account".
- (f) By adding to sub-clause (1) (i) of clause 13 the words "or guaranteed by any Diocese of the Church of England in Australia whose members are participating in the Fund".
- (g) (i) By deleting from clause 18 the word "temporary" and by further deleting the words "the amounts of which are arranged to provide the benefit set forth in sub-clause (a) (i) of this clause".  
(ii) By deleting from sub-clause (a) (i) of clause 18 the words "provided that the amount payable shall be not less than £100 (65-X) where X is the age next

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birthday on admission to membership" and by inserting in lieu thereof the following words:

"together with an amount equal to  $\$C (65-X)$  where C is the total contribution per annum current at the date of death of the member in terms of clause (20) (i) and X is the age next birthday of the member on the 1st day of April next preceding the date of death".

- (iii) By deleting the proviso to sub-clause (a) (i) of clause 18 and by inserting in lieu thereof the following proviso:

"Provided that in the case of the member being a Deaconess the additional amount  $\$C (65-X)$  as abovementioned shall not apply but should the Board have effected any insurance on the life of such Deaconess at her request the proceeds of any such insurance shall be paid in addition to the amount held in the Fund for her credit".

- (h) By re-numbering sub-clause (2A) of clause 19 as inserted by Ordinance No. 35 of 1967 as sub-clause (2B).

- (i) By inserting in clause 19 a new sub-clause (6) as follows:  
"(6) The provisions of this clause shall apply to the Diocese of Sydney only".

- (j) By inserting in clause 20 a new sub-clause (8) as follows:  
"(8) The provisions of this clause shall apply to the Diocese of Sydney only".

- (k) By inserting a new clause as clause 20A as follows:

"20A (1) Persons associated with or employed by any Diocese of the Church of England in Australia other than the Diocese of Sydney or by any school or organisation under the control of the Synod of any such Diocese shall be eligible for membership of the Fund on such terms and conditions as shall be agreed to by the Board provided that the Board shall not admit to membership any such person whose membership would in the Board's opinion be likely to prejudice the interests of the Fund.

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- (2) Only such clauses of this Ordinance as may be determined by the Board shall be applicable mutatis mutandis to such membership".
6. The Principal Ordinance is further amended as follows:
- (a) By inserting in clause 2 following the definition of "Clergyman" the following new definition: "Date of commencement of total and permanent disablement means the first day on which a member becomes unable to attend to his parochial duties when such inability leads to total and permanent disablement".
- (b) By inserting in clause 2 following the definition of "Presentation Board" the following new definition "Total and permanent disablement in relation to a member means:
- (1) suffering the loss of two limbs or the sight of both eyes or the loss of one limb and the sight of one eye (where limb is defined as the whole hand or the whole foot) or,
- (2) having been unable to attend to any part of his parochial duties as a result of injury or illness for six consecutive months and in the opinion of the Board after consideration of medical evidence, having become incapacitated to such an extent as to render the member unlikely ever to resume his parochial duties or attend to any gainful profession or occupation".
- (c) By inserting in clause 12 a new sub-clause (2) (ga) as follows:—
- "(ga) grant benefits payable in the event of total and permanent disablement".
- (d) By inserting in clause 18 a new sub-clause (ba) as follows:—
- "(ba) (i) In the event of the total and permanent disablement of a member who has not attained the age of 65 years, then an amount equivalent to the death benefit on the date of commencement of total and permanent disablement shall be payable as retiring allowances and/or annuities as the Board shall determine after consultation with the member or shall be held for such further period or periods at interest

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at the conclusion of which it shall be payable as retiring allowances and/or annuities as the Board shall determine after consultation with the member. Such payment or payments when made shall be deemed to be in lieu of and in substitution for all moneys payable under sub-clause (a) hereof and all retirements and other benefits payable under the provisions of this Ordinance.

- (ii) Notwithstanding other provisions of this Ordinance a member who is entitled to benefits under the Sydney Diocesan Sickness and Accident Fund Ordinance 1969, shall not be entitled to benefits under this clause until he has received benefits for the maximum period provided for in the Sydney Diocesan Sickness and Accident Fund Ordinance, 1969".

7. The provisions of clauses 1, 2, 3 and 4 hereof and of this clause shall operate from 1st April, 1970 and the provisions of clause 5 hereof shall operate from 1st April, 1971.

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

ATHOL RICHARDSON,  
Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of June, 1970. :

W. L. J. HUTCHINSON,  
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

29/6/1970.