

THE SUPERANNUATION (CONTRIBUTIONS) ORDINANCE 2001

An Ordinance to provide for the payment of contributions for the superannuation of clergymen.

WHEREAS the Synod wishes to make continued provision for the payment of contributions for the superannuation of Clergymen but on a non-contributory basis **NOW THE SYNOD HEREBY DETERMINES-**

1. This Ordinance may be cited as "The Superannuation (Contributions) Ordinance 2001". *Title*

2. (1) Subject to sub-Section (2) of this Section every Clergyman engaged in a full-time ministry, not being in the service of a prescribed employer, and every part-time Clergyman, not being in the service of a prescribed employer, shall be a member of a complying fund. With the consent of the Diocesan Council and the Bishop (and upon such terms as the Diocesan Council with the consent of the Bishop may from time to time determine) a Clergyman may remain or become a member of a complying fund other than or in addition to the Clergy Superannuation Fund of the Province of South Australia (CSF). *Requirement of Membership*

(2) The Diocesan Council with the consent of the Bishop may exempt any Clergyman from compliance with the provisions of sub-Section (1) of this Section if: *Exemptions*
 - (a) the Clergyman is for any reason ineligible to join the fund referred to in sub-Section (1) of this Section; or
 - (b) the Diocesan Council and the Bishop are satisfied that the Clergyman has made adequate provision for the future of himself and his dependants.

3. (1) There shall be paid by the Synod towards the superannuation of each Clergyman engaged in a full-time ministry other than a Clergyman in the service of a prescribed employer an annual amount of not less than 10 per centum of the minimum stipend payable to such Clergymen fixed from time to time pursuant to Section 53 of The Parochial Administration Ordinance as amended from time to time. *Contributions*

(2) In respect of a Clergyman who is a member only of the CSF such amount shall be paid to the CSF.

(3) In respect of a Clergyman who is a member of only one complying fund, not being the CSF, such amount shall be paid to that fund.

(4) In respect of a Clergyman who is a member of two or more funds such amounts shall be paid to such funds and in such proportion as the Diocesan Council and the Clergyman have agreed or in default of any such agreement as the Diocesan Council may from time to time determine. *Contributions to approved funds*

(5) Such amount shall be paid by the Synod not less frequently than quarterly.

4. There shall be paid by the Synod towards the superannuation of each part-time Clergyman not in the service of a prescribed employer an amount to be determined from time to time by the Diocesan Council after taking into account the actual stipend received from time to time by such Clergyman in respect of his duties as a Clergyman. The provisions of sub-sections (2) (3) (4) and (5) of Section 3 of this Ordinance shall, with all necessary modifications, apply to this Section. *Part-time Clergyman*

5. Notwithstanding any other provisions of this Ordinance, if the Diocesan Council is of the opinion that special provision should be made in respect of a particular Clergyman, the Diocesan Council may in such case determine from time to time the annual amount to be paid by the Synod in respect of such Clergyman and to what fund or funds it shall be paid.

Special Provisions

6. (1) Notwithstanding the provisions of Sections 3, 4 and 5 of this Ordinance but subject to the provisions of sub-section (2) hereof with respect to each Clergyman responsible for or assisting in the pastoral care of a Parish, the Diocesan Council may determine that a proportion of the annual amount to be paid by the Synod towards the superannuation of that Clergyman shall be borne by the Parish. The Diocesan Council may also determine that any such proportion shall be payable by instalments or part-payments and the times when any such instalments or part-payments are to be payable. The Diocesan Council at any time and from time to time may vary any such determination.

Diocesan Council Determination

(2) Unless the Diocesan Council forms the opinion that special circumstances exist in the case of a particular Parish the proportion which any one Parish is required to pay towards the superannuation of a Clergyman who is responsible for or is assisting in the pastoral care of that Parish full-time shall be the same as all other Parishes.

7. Save as otherwise provided in Section 6 of this Ordinance the payment required to be made by the Synod pursuant to this Ordinance shall for the purposes of The Assessments Ordinance 2001 be deemed to be Diocesan Expenses.

8. In this Ordinance unless the contrary intention appears-
"appropriate minimum stipend" in respect of a Clergyman means the minimum stipend determined pursuant to any Ordinance applicable to that Clergyman from time to time whilst engaged in full-time ministry.

Interpretation And Definitions

"complying fund" means a superannuation fund which is an approved superannuation fund under the provisions of the (Commonwealth) Occupational Superannuation Standards Act 1987 and the Regulations made thereunder and is a superannuation fund which qualified for concessional tax treatment as a "complying superannuation fund" for the purposes of the (Commonwealth) Income Tax Assessment Act 1936 as amended.

"CSF" means the Clergy Superannuation Fund of the Province of South Australia.

"part-time Clergyman" means - a Clergyman other than a retired Clergyman who in respect of his duties as a Clergyman and with the approval of the Bishop receives a stipend less than the appropriate minimum stipend.

"prescribed employer" means-

(a) The Australian Board of Missions, the Bush Church Aid Society, the Church Missionary Society, the Inter-Church Trade & Industry Mission, the Missions to Seamen, the South Australian Council of Churches, a School, University or University College, College of Advanced Education, the Australian Defence Forces, and the Government, whether Commonwealth or State, and any instrumentality or agency thereof; and

(b) any other person or body declared by the Diocesan Council to be a prescribed employer for the purposes of this Ordinance.