

THE SUPERANNUATION (CONTRIBUTIONS) ORDINANCE 1990

AN ORDINANCE to provide for the payment of contributions for the superannuation of members of the clergy.

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

Title

1. This Ordinance may be cited as "The Superannuation (Contributions) Ordinance 1990".

Coming into Operation of Ordinance

2. This Ordinance shall come into operation on the 1st day of January 1991.

Repeal and Saving of Previous Ordinance

3. (1) Subject to the provisions of sub-section (2) The Superannuation (Contributions) Ordinance 1980-1983 shall cease to operate and be repealed on and with effect from the 31st day of December 1990.

(2) (a) The repeal of The Superannuation (Contributions) Ordinance 1980-1983 on and with effect from the 31st day of December 1990 shall not affect the obligation of the Synod or of any member of the clergy to make any superannuation contributions or part-payment required to be paid on or before the 31st day of December 1990 or referable to any period prior to the 31st day of December 1990 .

(b) The obligation of the Synod or of a member of the clergy to make superannuation contributions or payment with respect to the period from the 1st day of April 1990 to the 31st day of December 1990 shall be equal to three-quarters of the annual amount that would otherwise be payable if The Superannuation (Contributions) Ordinance 1980-1983 were and remained in operation until the 31st day of March 1991.

Requirement for Membership of a Superannuation Fund

4. Every member of the clergy engaged in a full-time ministry, not being in the service of a prescribed employer, and every part-time member of the clergy, not being in the service of a prescribed employer, shall be a member of a complying fund, unless Diocesan Council determines otherwise. 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 member of the clergy may remain or become a member of a complying fund other than or in addition to the CSF.

Contributions by Synod

5. (1) There shall be paid by the Synod towards the superannuation of each member of the clergy engaged in a full time ministry other than a member of the clergy in the service of a prescribed employer an annual amount equal to 11.90% of the notional stipend or at such higher amount or rate as the Diocesan Council may from time to time determine.
- (2) In respect of a member of the clergy who is a member only of the CSF such amount shall be paid to the CSF.
- (3) In respect of a member of the clergy 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 member of the clergy who is a member of two or more funds such amount shall be paid to such funds and in such proportion as the Diocesan Council and the member of the clergy have agreed or in default of any such agreement as the Diocesan Council may from time to time determine.
- (5) Such amount shall be paid by the Synod not less frequently than quarterly.

Part-Time Members of the Clergy

6. There shall be paid by the Synod towards the superannuation of each part-time member of the clergy 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 member of the clergy in respect of his or her duties as a member of the clergy. The provisions of sub-sections (2), (3), (4) and (5) of section 5 of this Ordinance shall apply mutatis mutandis to this section.

Clergy Parental Leave

- 6A (1) If a member of the clergy is in receipt of his or her stipend as a component of a payment of paid parental leave under the Clergy Parenting Leave Ordinance, 2003, then the provisions of sections 5 and 6 hereof shall apply to that member of the clergy for the period of the paid parental leave as if the member of the clergy was engaged in full time ministry or was a part time member of the clergy as the case may be for that period.
- (2) If a member of the clergy is taking unpaid parental leave under the Clergy Parenting Leave Ordinance, 2003, and his or her stipend is thereby suspended, then the provisions of sections 5 and 6 hereof shall not apply to that member of the clergy in respect of and during the period of any such suspension.

Special Provisions

7. 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 member of the clergy, the Diocesan Council may in such case determine from time to time the annual amount (if any) to be paid by the Synod in respect of such member of the clergy.

Parishes to Bear Proportion of Synod Contributions

8. (1) Notwithstanding the provisions of sections 5, 6, 6A and 7 of this Ordinance but subject to the provisions of subsection (2) hereof with respect to each member of the clergy responsible for or assisting in the pastoral care of a parish, the Diocesan Council may determine that the whole or a proportion of the annual amount to be paid by the Synod towards the superannuation of that member of the clergy shall be borne by the parish. The Diocesan Council may also determine that any such amount 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.
- (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 member of the clergy who is responsible for or is assisting in the pastoral care of that parish full-time shall be the same as all other parishes.
- (3) In the case of a parish comprising two or more congregations, if any instalment or part-payment is not paid by the parish such instalment or part-payment shall be payable by the congregation determined by the Diocesan Council to be the principal congregation of that parish and any other congregation or congregations comprising such parish shall pay to the principal congregation such proportion of the instalment or part-payment as they shall agree between them or in default of agreement as determined by the Diocesan Council.
- (4) Should a parish or congregation as the case may be neglect or refuse to pay to the Synod within two calendar months of the due day for payment of any instalments or part-payments due members of the synod representing the congregation comprising that parish shall be excluded from sessions of the Synod until such instalments or part-payments have been paid or the Diocesan Council shall otherwise determine.
- (5) In the event of the Synod electing to pay any instalment or part-payment payable by a parish such amount shall be added to and for the purposes of any other Ordinance shall be deemed to form part of the assessment of that parish as defined in The Assessment Ordinance 1985 as amended from time to time.

Diocesan Expenses

9. Save as otherwise provided in Section 8 the payment required to be made by the Synod pursuant to this Ordinance shall for the purposes of The Assessment Ordinance 1985 be deemed to be Diocesan Expenses.

Interpretation

10. In this Ordinance unless a contrary intention appears -

"appropriate minimum stipend" in respect of a member of the clergy means the minimum stipend determined pursuant to any Ordinance applicable to that member of the clergy from time to time whilst engaged in full-time ministry.

"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 qualifies 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.

"notional stipend" means the notional stipend as defined in the Long Service Leave Canon 1966 of the General Synod of the Anglican Church of Australia or other Canon or Canons (if any) of the said General Synod amending or superseding the same for the time being in force in the Diocese.

"part-time member of the clergy" means - a member of the clergy other than a retired member of the clergy who in respect of his or her duties as a member of the clergy 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.

Amended on 14th September 1991 - Section 8(1)
Amended on 29th July 1995 - Sections 4 & 7
Amended on 1st June 2003 – Section 6A, 8(1)

Legislative history notes relating to revisions under the Ordinances Publication Ordinance 2004

- (1) Preamble – “clergymen” deleted and “members of the clergy” substituted in two places
- (2) Section 3 – “clergyman” deleted and “member of the clergy” substituted in two places
- (3) Section 4 – “clergyman” deleted and “member of the clergy” substituted in three places
- (4) Section 5 – “clergyman” deleted and “member of the clergy” substituted in six places
- (5) Section 6 – “clergymen” deleted and “members of the clergy” substituted
- (6) Section 6 – “clergyman” deleted and “member of the clergy” substituted in six places
- (7) Section 7 – “clergyman” deleted and “member of the clergy” substituted in two places
- (8) Section 8 – “clergyman” deleted and “member of the clergy” substituted in three places
- (9) Section 8(4) – “synodsmen” deleted and “members of the Synod” substituted
- (10) Section 10 – “clergyman” deleted and “member of the clergy” substituted in six places
- (11) Section 10 – “or her” inserted after “his”