

Clergy Removals Fund Ordinance 2003

(Reprinted under the Interpretation Ordinance 1985.)

The Clergy Removals Fund Ordinance 2003 as amended by the Clergy Removals Fund Ordinance 2003 Amendment Ordinance 2006, the Clergy Removals (Synod Fund) Ordinance 2007, the Clergy Removals Fund (Amendment) Ordinance 2008 and the Clergy Removals Fund Ordinance 2003 Amendment Ordinance 2012.

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Long Title

An Ordinance to provide for the administration of a fund to reimburse the removal expenses of members of the clergy and their families.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Clergy Removals Fund Ordinance 2003.

2. Definitions

In this Ordinance –

“Removals Fund” means the fund held by the Anglican Church Property Trust Diocese of Sydney pursuant to the Clergy Removals Fund (Amendment) Ordinance 2008.

“Removals Fund Administrator” means Sydney Diocesan Secretariat or such other body as the Standing Committee may appoint by resolution from time to time to be the Removals Fund Administrator.

“Removals Fund Rules” means the rules set out in the schedule to this Ordinance.

3. Administration of the Removals Fund

(1) The income of the Removals Fund is to be paid to or applied at the direction of the Removals Fund Administrator to reimburse the removal expenses of members of the clergy and their families in accordance with the Removals Fund Rules.

(2) The income of the Removals Fund may also be applied to meet any expenses incurred by the Removals Fund Administrator in administering the Removals Fund.

4. Limitation on benefits

Any entitlement to be reimbursed under the Removals Fund Rules is limited to the lesser of –

- (a) the amount of the entitlement determined in accordance with the Removals Fund Rules, and
- (b) the balance of the income from the Removals Fund (if any) available to be applied towards the payment of the entitlement.

5. Reports to the Standing Committee

The Removals Fund Administrator is to report in writing each year about the application in the previous calendar year of the income –

- (a) paid to or applied at the direction of the Removals Fund Administrator to reimburse the removal expenses of clergy and their families, and
- (b) to meet any expenses incurred by the Removals Fund Administrator in administering the Removals Fund.

(3) The report is to be made to the Standing Committee, or to such other person or committee as the Standing Committee may determine by resolution from time to time.

6. Review of ordinance

This Ordinance is to be reviewed as soon as possible after the 20th anniversary of the date of assent.

7.

Schedule

Clergy Removals Fund Rules

1. Definitions

In these rules –

“Archbishop” means the Archbishop of Sydney or the Commissary of the Archbishop of Sydney or, if the See of Sydney is vacant, the Administrator of the Diocese or the Commissary of the Administrator of the Diocese.

“average removal cost” means the average removal cost within the Diocese incurred by clergy within the diocese who are eligible to be reimbursed under the Removals Fund Rules as calculated from time to time by the Removals Fund Administrator.

“cost” means proper and reasonable costs as determined by the Removals Fund Administrator, and does not include costs of an unusual nature.

“Diocese” means the Diocese of Sydney.

“office or position” means –

- (a) the office of Archbishop, assistant bishop or archdeacon in the Diocese, and
- (b) an office or position in the Diocese for which the member of the clergy held, holds or will hold, as the case may be, the licence of the Archbishop, other than a licence known as a “general licence”.

“organisation” means –

- (a) each body corporate constituted by or under the Anglican Church of Australia (Bodies Corporate) Act 1938 at the instance of the Synod or the Standing Committee; and
- (b) each organisation or association regulated by ordinance of the Synod or the Standing Committee; and
- (c) each organisation or association regulated by resolution of the Synod; and
- (d) every organisation which is declared by resolution of the Standing Committee to be an organisation to which this Ordinance applies,

whether in existence on or at any time after the date on which this Ordinance comes into effect.

“removal cost” means –

- (a) where a member of the clergy has been appointed to an office or position - the cost of moving the furniture and furnishings of the member of the clergy and his or her family from the place at which they were residing prior to the appointment to the residence at which they will be residing while the member of the clergy performs the duties of that office or position, or
- (b) where a member of the clergy held an office or position at the time of their death - the cost of moving the furniture and furnishings of the family of that member of the

clergy from the residence at which that family was residing immediately before his or her death to the place at which the family propose to first reside thereafter, or

- (c) where a member of the clergy retires and held an office or position at the time of their retirement - the cost of moving the furniture and furnishings of the member of the clergy and his or her family from the residence at which they were residing at the time of retirement to the place at which they propose to first reside thereafter.

“retires” means retirement from full time work or service by reason of age, ill-health or physical disability.

2. Payment of removal cost upon appointment to an office or position in a parish

If a member of the clergy is appointed to an office or position in a parish, that parish is entitled to be reimbursed the lesser of the removal cost and the average removal cost if –

- (a) that cost has been borne by the parish, and
(b) the Regional Bishop determines that the parish is under financial hardship.

3. Payment of removal cost upon the death of a member of the clergy

(1) Subject to subrules 3(2) and 3(3), the surviving spouse of a member of the clergy who held an office or position at the time of his or her death is entitled to be reimbursed an amount equal to the removal cost, if the surviving spouse moves to a residence within the Diocese.

(2) If the surviving spouse moves to a place outside the Diocese and that place is more than 175 kilometres from the place at which he or she resided at the time of the death of their spouse, the amount to be reimbursed is the lesser of –

- (a) the removal cost, and
(b) average removal cost.

(3) If a person other than the surviving spouse paid the removal cost, the reimbursement is to be paid to or at the direction of the person who paid that cost.

4. Payment of removal costs upon retirement

(1) Subject to subrules 4(2) and 4(3), a member of the clergy who held an office or position at the time of their retirement, is entitled to be reimbursed an amount equivalent to the removal cost, if the member of clergy moves to a residence within the Diocese.

(2) If the member of the clergy moves to a place outside the Diocese and that place is more than 175 kilometres from the place at which he or she was residing at the time of their retirement, the amount to be reimbursed is the lesser of –

- (a) the removal cost, and
(b) 50% of the average removal cost.

(3) If a person other than the member of the clergy paid the removal cost, the reimbursement is to be paid to or at the direction of the person who paid that cost.

5. Archbishop may direct in particular cases

The Archbishop may by written notice to the Removals Fund Administrator direct a reimbursement from the Fund in a particular case of a greater amount than is permitted by rules 2, 3 or 4.

Table of Amendments

Long Title	Original Long Title deleted and new Long Title inserted by Ordinance No 43, 2007.
Preamble	Deleted by Ordinance No 43, 2007.
Clause 2	Original clause deleted and original clause 3 renumbered and amended by Ordinance No 43, 2007. Amended by Ordinance No 5, 2008.
Clause 3	New clause inserted by Ordinance No 43, 2007.
Clause 4	Original clause deleted and new clause inserted by Ordinance No 43, 2007.
Clause 5	Amended by Ordinance No 43, 2007.

Clause 6	Amended by Ordinance No 14, 2012.
Clause 7	Deleted by Ordinance No 5, 2008.
Schedule	
Heading	Amended by Ordinance No 14, 2006.
Rule 1	Amended by Ordinance No 14, 2006.
Rule 2	Original rule amended by Ordinance No 14, 2006. New rule inserted by Ordinance No 14, 2012.
Rule 3	Amended by Ordinance No 14, 2006.
Rule 4	Amended by Ordinance No 14, 2006.

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21 January 2013