

## **Superannuation of Clergy Act 2005**

### **AN ACT**

relating to the superannuation of clergy and for other purposes

BE IT ENACTED by the Archbishop, the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Melbourne in Victoria duly met in Synod according to law as follows:

#### **1 Short title**

This Act may be cited as the **Superannuation of Clergy Act 2005**.

#### **2 Commencement and application**

- (1) This Act comes into operation on the date on which it receives the assent of the Archbishop.
- (2) This Act applies to and in respect of superannuation payments in respect of any period commencing on or after 1 July 2005.

s 3 am 2/2015

#### **3 Definitions**

In this Act—

***Clerk's percentage***, for a year in respect of a licensed clerk, means the percentage shown in column 3 of the item in the Schedule relating to that year or, if the licensed clerk pays a greater percentage, that percentage.

***Default fund*** means—

- (a) the Fund of which Anglican Superannuation Australia Limited is the trustee or a successor of that

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Fund, unless another fund is nominated by the Diocesan Corporation under section 4; or

- (b) the fund nominated under section 4 by the Archbishop in Council.

***Minimum stipend***, in relation to a clerk, means the annual stipend determined in accordance with the *Diocesan Stipends Act 1991* as the minimum stipend which is to be paid to a clerk of the standing of that clerk.

***Parish percentage***, for a year, means the percentage shown in column 4 of the item in the Schedule relating to that year.

***Superannuation fund***, in relation to a licensed clerk, means—

- (a) a complying superannuation fund or retirement savings account (within the meaning of the superannuation law of the Commonwealth) nominated in writing by the licensed clerk to the Secretary of the Diocesan Corporation; or
- (b) if there is no such nomination in force, the default fund.

***Total percentage***, for a year, means the percentage shown in column 2 of the item in the Schedule relating to that year.

***Year*** means—

- (a) the period beginning on 1 July 2005 and ending on 30 September 2005;
- (b) the year beginning on 1 October 2005 and each succeeding year beginning on 1 October.

s 4 am 2/2015

#### **4 Nomination of alternative default fund**

If the Diocesan Corporation so determines, it may, by resolution, nominate a complying superannuation fund (within

the meaning of the superannuation law of the Commonwealth) as the default fund for the purposes of this Act.

s 5 am 2/2015

### **5 Contribution to superannuation fund**

Except as otherwise provided in this Act, each licensed clerk shall be a subscriber to a superannuation fund in accordance with the law relating to superannuation and this Act.

s 6 am 2/2015

### **6 Diocesan contribution**

Except as otherwise provided in this Act, the Diocesan Corporation shall, in each quarter of each year in respect of each licensed clerk contribute to the superannuation fund to which the clerk subscribes in accordance with this Act an amount equal to the total percentage for that year of one quarter of the minimum stipend as at the end of the preceding quarter.

### **7 Clerk's contribution**

- (1) Subject to sub-section (2), each licensed clerk in respect of whom the Diocesan Corporation contributes under section 6 shall pay to the Diocesan Corporation in each quarter of each year an amount equal to the clerk's percentage for that year of one quarter of the minimum stipend as at the end of the preceding quarter.
- (2) If the licensed clerk, having taken financial advice, decides to pay a lesser amount, or not to make any payments, under subsection (1) in respect of any period, the licensed clerk shall advise the Secretary of the Diocesan Corporation in writing of that decision and-
  - (a) confirm that he or she has taken financial advice on the matter; and
  - (b) confirm that he or she is aware of the financial implications of the decision; and

- (c) specify the lesser amount that he or she will pay, or state that he or she will not make any payments, under sub-section (1) during a specified period or unless and until he or she decides otherwise.

s 8 am 2/2015

### **8 Parish contribution**

- (1) Except as otherwise provided in this Act, each parish, institution or organisation which is responsible for the payment of the stipend or salary of a clerk in respect of whom the Diocesan Corporation contributes under section 6 shall pay to the Diocesan Corporation in each quarter of each year an amount equal to the parish percentage for that year of one quarter of the minimum stipend as at the end of the preceding quarter.
- (2) Sub-section (1) does not apply in the case of an assistant curate or any other clerk in whose case the Archbishop in Council for special reason determines that it shall not apply.

s 9 am 2/2015

### **9 Option of clerks and parishes to make payments directly to superannuation fund**

- (1) If a licensed clerk or a parish, institution or organisation so determines, the licensed clerk or the parish, institution or organisation may, instead of making payments to the Diocesan Corporation under section 7 or 8 –
  - (a) make those payments to the relevant superannuation fund; and
  - (b) give notice in writing to the Secretary of the Diocesan Corporation of that determination.
- (2) A licensed clerk may, at any time, make additional payments directly to the relevant superannuation fund.

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**10 Repeal of certain Acts**

(1) The following Acts are **repealed**:

*Superannuation of Clergy Act 1980*

*Superannuation of Clergy (Amendment) Act 1986*

*Superannuation of Clergy (Amendment) Act 1988*

*Superannuation of Clergy (Amendment) Act 1999*

(2) Despite the repeal of the Acts referred to in sub-section (1), those Acts continue to apply to and in respect of any payment due in respect of a period ending before 1 July 2005.

THE SCHEDULE

**Table of annual percentages**

<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
	<b>Year</b>	<b>Total percentage</b>	<b>Clerk's percentage</b>	<b>Parish percentage</b>
1	1/7/2005 to 30/9/2005	23	10	13
2	1/10/2005 to 30/9/2006	24	10	14
3	1/10/2006 to 30/9/2007 and each succeeding year beginning on 1 October	25	10	15

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NOTES

<sup>1</sup>The **Superannuation of Clergy Act 2005** was assented to on 6 October 2005 and came into operation on 6 October 2005.

<sup>2</sup> This Act adopts the formatting required by s 22 of the *Interpretation of Diocesan Legislation Act 2016* and has been amended by the following Act.

<b>Name of Act</b>	<b>No of Act</b>	<b>Date of assent</b>	<b>Date of commencement</b>
<i>Melbourne Anglican Diocesan Incorporation (Transition and Consequential Amendments) Act 2015</i>	2/2015	23 July 2015	The date on which ss 9 and 10 of the Melbourne Anglican Diocesan Incorporation Act 2015 came into force.

*[Passed 6 October 2005 – Assented to 6 October 2005]*