

Diocesan Officers (Retirement) Repeal Ordinance 2001

Explanatory Statement

Introduction

1. Under the Diocesan Officers (Retirement) Ordinance 1987 (the "1987 Ordinance") a person of or above the age of 72 years is not eligible to be elected or appointed to or to act in an office to which that ordinance relates. Further a person is deemed to have vacated an office to which that ordinance applies and to which the person has been elected or appointed or in which the person acts if the person reaches the age of 72 years.

2. The 1987 Ordinance applies to the office of member of a board, chapter, committee, corporation, council or other body constituted, or controlled or regulated, by an ordinance of the Synod of the Diocese of Sydney or of the Standing Committee of the Synod, but does not apply to -

- (a) the office of member of a parish council, or
- (b) the office of churchwarden, or
- (c) an office to which the Retirements Ordinance 1993 applies.

3. In recent years, the Commonwealth and State Parliaments have taken steps to prohibit compulsory retirement ages and, more generally, discrimination on the basis of age. They have taken these steps because, as a matter of policy, compulsory retirement ages are now not generally justifiable. For example, paragraph 2.6 of the Attorney General's Green Paper on Age Discrimination (May 1992) which formed the policy behind legislation passed by the New South Wales Parliament in 1993 to prohibit age discrimination in a number of specific situations stated -

"Age is often used as a general criteria to determine people's needs or abilities because it is administratively easier to identify than other indicators. Sometimes, age is the most practicable and acceptable criteria to apply to people. However, very often it is an inaccurate indicator because it is based on commonly held myths about age, or is inappropriate because not everyone conforms to the general pattern of a particular group. In such cases, people suffer disadvantage because of their age and it is therefore important to ensure that decisions are based on the most legitimate and accurate criteria."

4. The offices to which the 1987 Ordinance applies are not offices of employment and hence the provisions of the ordinance do not infringe the relevant provisions of Commonwealth and State legislation. However, as a matter of policy we consider that the 1987 Ordinance can no longer be justified.

The bill

5. The bill proposes the repeal of the 1987 Ordinance and also any provision of any other ordinance which -

- (a) requires the holder of an office to which the ordinance relates to retire at the age of 72 years, or
- (b) provides that a person of or above the age of 72 years is not eligible to be appointed or elected or to act in an office to which the ordinance relates.

6. The bill will only apply to the office of member of a board, chapter, committee, corporation, council or other body constituted, or controlled or regulated, by ordinance of the Synod or the Standing Committee. The bill will not apply to a clerical office to which the Retirements Ordinance 1993 applies.

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