

Sydney Diocesan Sickness and Accident Fund Ordinance 1969

(Reprinted under the Interpretation Ordinance 1985.)

The Sydney Diocesan Sickness and Accident Fund Ordinance 1969 as amended by the Sydney Diocesan Sickness and Accident Fund Ordinance Amending Ordinance 1991, the Sydney Diocesan Sickness and Accident Fund Ordinance 1969 Amendment Ordinance 1996, the Sydney Diocesan Sickness and Accident Fund Amendment Ordinance 2005, the Sydney Diocesan Sickness and Accident Fund Ordinance 1969 Amendment Ordinance 2008, the Sydney Diocesan Sickness and Accident Fund Ordinance 1969 Amendment Ordinance 2017, and the Sydney Diocesan Sickness and Accident Fund Ordinance 1969 Amendment Ordinance 2023.

Table of Provisions

Part 1 - Preliminary	
1	Citation
2	Commencement
3	Definitions
4	Purposes of the Fund
5	Administration of the Fund
Part 2 - Benefits for Parochial Units and ACS	
6	Circumstances in which a claim can be made
7	Limitations on benefits
8	Making a claim
Part 3 - Medical Expense Benefits	
9	Medical Expense Benefits
10	Conditions
Part 4 - Direction of the Standing Committee	
11	Direction of Standing Committee

Long Title

An Ordinance to provide for the administration of the Sydney Diocesan Sickness and Accident Fund.

Preamble

Whereas it is desirable to provide for the administration of the Fund.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Directs and Rules as follows –

Part 1 - Preliminary

1. Citation

This Ordinance may be cited as “Sydney Diocesan Sickness and Accident Fund Ordinance 1969”.

2. Commencement

This Ordinance commences on 1 April 1970.

3. Definitions

In this Ordinance, unless the context otherwise requires –

“Anglican Community Services” and “ACS” means the body corporate constituted under the *Anglican Community Services Constitution Ordinance 1961*.

“Determined rate of benefit” means 130% of the recommended minimum stipend for a minister, with the daily rate based on a 6 day week, or such other rate as may be determined from time to time by the Standing Committee.

“Fund” means the Fund established under this Ordinance.

“Person” means –

- (a) a person in holy orders licensed as incumbent to a parochial unit or licensed as curate or assistant minister in a parochial unit in the Diocese;

- (b)
- (c) an ACS chaplain;
- (d) the Dean;
- (e) a person in holy orders licensed to a clerical office associated with St Andrew's Cathedral; and
- (f) for the purposes of Part 3 only, a person licensed as Locum Tenens in a parochial unit in the Diocese.

"Parochial unit" means a parish, a provisional parish, a recognised church, a provisional recognised church and St Andrew's Cathedral.

"Year" means a period of 12 calendar months commencing on 1st January.

4. Purposes of the Fund

The purposes of the Fund are –

- (a) to help parochial units and Anglican Community Services to meet any short-term additional costs incurred when a Person is unable to perform normal ministry duties due to a sickness or an accident to the Person, or a sickness or an accident to someone for whom the Person is the primary carer (if that circumstances is confirmed in writing by the regional bishop); and
- (b) to help a Person who incurs medical, hospital, rehabilitation or related expenses following an accident which occurred in the course of that Person performing normal ministry duties.

5. Administration of the Fund

The Standing Committee is to administer and apply the Fund in accordance with this Ordinance, and may pay any administration expenses incurred from the Fund.

Part 2 - Benefits for Parochial Units and ACS

6. Circumstances in which a claim can be made

A claim can be made on the Fund if a Person has been unable to perform their duties –

- (a) for more than 14 days due to total incapacity; or
- (b) for more than 28 days due to partial incapacity,

caused by a sickness or an accident to the Person, or a sickness or an accident to someone for whom the Person is the primary carer.

7. Limitations on benefits

- (1) The period during which benefits are payable for any Person is limited to –
 - (a) 12 months for any one or more periods of total incapacity commencing in a year; and
 - (b) 6 months for any one or more periods of partial incapacity commencing in a year.
- (2) Benefits payable from the Fund are limited to the lesser of the total of the amounts paid to a temporary assistant or temporary assistants for the performance of some or all of the duties of the incapacitated Person and –
 - (a) in the case of total incapacity, the determined rate of benefit for the period by which the period of incapacity exceeds 14 days; or
 - (b) in the case of partial incapacity, the determined rate of benefit for the period by which the period of incapacity exceeds 28 days.
- (3) Benefits payable from the Fund are limited to the assets of the Fund.
- (4) No benefits are payable from the Fund if the Person or Parochial unit will also receive a benefit payment under the Stipend Continuance Insurance Policy which would cover the same period of time and relate to the same incapacity as the proposed benefit to be paid from the Fund.

8. Making a claim

- (1) A claim can be made on the Fund by those who pay the stipend of a Person who is incapacitated. Any medical or other evidence required by the Standing Committee, including evidence of payments made for temporary ministry assistance, must accompany the claim.

- (2) Subject to clause 8(1), the Standing Committee will pay to the claimants the benefit determined under clause 7.
- (3) Progress claims can be made for extended periods of incapacity.

Part 3 - Medical Expense Benefits

9. Medical Expense Benefits

(1) Where a Person incurs medical, hospital, rehabilitation or related expenses (including any cost to the Person of travelling necessarily and reasonably incurred by the Person in obtaining treatment) following an accident which occurred in the course of that Person performing normal ministry duties, that Person may make a claim on the Fund for an amount being the lesser of –

- (a) an amount equal to the Prescribed Amount less the sum of all amounts (if any) previously paid under this clause for expenses arising from that accident; and
- (b) the amount of the expenses specified in the claim.

(2) In this clause “Prescribed Amount” means \$5,000 or such greater amount as the Standing Committee may approve by resolution from time to time.

10. Conditions

(1) A Person may only make a claim under clause 9 if –

- (a) that Person has not been, and is not entitled to be, reimbursed or indemnified for the expense, or paid an amount in respect of the expense, from any other source;
- (b) such evidence of the expense as the Standing Committee may require accompanies the claim;
- (c) the amount of the claim equals or exceeds \$50 or previous claims (if any) for expenses arising from the accident equal or exceed \$50; and
- (d) the accident occurred after the date of assent to the Sydney Diocesan Sickness and Accident Fund Ordinance 1969 Amending Ordinance 1996.

(2) If a Person has been, or is entitled to be, reimbursed or indemnified for part of an expense to which clause 9 refers, or is paid an amount for part only of such an expense, then notwithstanding paragraph (a) of clause 10(1), but subject to the other paragraphs of that clause, the Person may make a claim under clause 9 in respect of that part of the expense for which the Person has not been, and is not entitled to be, reimbursed or indemnified or paid an amount in respect thereof.

Part 4 – Other circumstances

11. Other circumstances

The Standing Committee may pay any claim or part of any claim where it appears to the Standing Committee that the circumstances giving rise to the claim are within the spirit and intent of this Ordinance.

Notes

1. The Sydney Diocesan Sickness and Accident Fund Ordinance 1969, as amended, was amended by a number of amending ordinances prior to the Sydney Diocesan Sickness and Accident Fund Ordinance Amending Ordinance No. 58 to 1991. Those amending ordinances are no longer relevant since Ordinance No. 58 of 1991 completely amended the terms of the 1969 Ordinance. Accordingly, they are not referred to in the following endnotes.
2. On 25 July 2005 the Standing Committee resolved to increase the “Prescribed Amount” under clause 10(2) to \$1,000 with effect to claims paid after October 2004.
3. On 28 May 2007 the Standing Committee resolved to increase the “Prescribed Amount” under clause 10(2) from \$1,000 to \$5,000 with effect from 1 January 2008.

Table of Amendments

Part 1 Heading Inserted by Ordinance No. 49, 1996.
Clause 3 Amended by Ordinances Nos. 49, 1996; 53, 2005, 12, 2008, and 8, 2023.
Clause 4 Amended by Ordinance Nos. 49, 1996 and 8, 2023.
Clause 5 New clause inserted by Ordinance No. 53, 2005.
Part 2 Heading Inserted by Ordinance No. 49, 1996. Amended by Ordinance No. 8, 2023.
Clause 6 Original clause deleted. New clause inserted by Ordinance No. 8, 2023.
Clause 7 Amended by Ordinance No. 42, 2017. Renumbered and amended by Ordinance No. 8, 2023.
Clause 8 Amended by Ordinance No. 53, 2005. Renumbered and amended by Ordinance No. 8, 2023.
Part 3 Heading Inserted by Ordinance No. 49, 1996.
Clause 9 Original clause 10 renumbered as clause 12. New clause 10 inserted by Ordinance No. 49, 1996. Renumbered and amended by Ordinance No. 8, 2023.
Clause 10 Inserted by Ordinance No. 49, 1996 and amended by Ordinance No. 53, 2005. Renumbered by Ordinance No. 8, 2023.
Part 4 Heading Inserted by Ordinance No. 49, 1996 and amended by Ordinance No. 53, 2005.
Clause 11 Original clause 10 renumbered as clause 12 by Ordinance No. 49, 1996. New clause inserted by Ordinance No. 53, 2005. Renumbered by Ordinance No 8, 2023.

STEVE LUCAS
Senior Legal Counsel

BRIONY BOUNDS
Diocesan Secretary

31 May 2023