



ANNO VICESIMO SEXTO

GEORGII V REGIS.

A.D. 1935.

PRIVATE ACT.

An Act to provide for the amalgamation of the Clergy Annuity Fund and The Clergy Superannuation Fund and for other purposes.

[Assented to, 19th December, 1935.]

WHEREAS under and by virtue of the several Deeds mentioned in the First Part of the First Schedule hereto the moneys investments securities and property particulars of which are set forth in the Second Part of the said First Schedule and which constitute a Fund known as the Clergy Annuity Fund are held by The Synod of The Church of England in the Diocese of Adelaide Incorporated upon the trusts and with and subject to the powers and provisions by and in the said Deeds declared and contained of and concerning the same AND WHEREAS under and by virtue of the several Deeds mentioned in the Second Schedule hereto certain other moneys investments securities and property which constitute a Fund known as The Clergy Superannuation Fund are held by the said Synod upon the trusts and with and subject to the powers and provisions by and in the lastmentioned Deeds declared and contained of and concerning the same AND WHEREAS under and by virtue of the several Deeds mentioned in the Third Schedule hereto certain other moneys investments securities and property which constitute a Fund known as the Clergy Widow and Orphan Fund are held by the said Synod upon the trusts and with and subject to the powers and provisions by and in the lastmentioned Deeds declared and contained of and concerning the same AND WHEREAS it is desirable to provide for the

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amalgamation of the said the Clergy Annuity Fund with the said The Clergy Superannuation Fund and for the amalgamation if the said Synod shall think fit of the said Clergy Widow and Orphan Fund with the said The Clergy Superannuation Fund.

BE IT THEREFORE ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof as follows :

Short title.

1. This Act may be cited as “ The Church of England Clergy Superannuation Act 1935 ”.

Interpretation.

2. In this Act unless inconsistent with the context or some other meaning is clearly intended—

“ The Synod ” means the body which has been incorporated under “ The Associations Incorporation Act 1858 ” by the name of “ The Synod of the Church of England in the Diocese of Adelaide Incorporated ” :

“ The Annuity Fund ” means the Clergy Annuity Fund hereinbefore referred to :

“ The Superannuation Fund ” means The Clergy Superannuation Fund hereinbefore referred to :

“ The Widow and Orphan Fund ” means the Clergy Widow and Orphan Fund hereinbefore referred to :

“ The property of The Annuity Fund ” means and includes as well the moneys investments securities and property particulars of which are set forth in the Second Part of the First Schedule hereto as also all other the moneys investments securities and property (if any) whatsoever and wheresoever held by The Synod or which The Synod was entitled to hold immediately prior to the commencement of this Act upon the trusts firstly in the Preamble to this Act referred to or otherwise for the purposes of The Annuity Fund and (notwithstanding the provisions of Section 3 of this Act) all other moneys investments securities and property whatsoever and wheresoever which at any time after the commencement of this Act may be given bequeathed devised transferred or assigned to or settled or disposed of in favour of or in any other manner whatsoever acquired by The Synod upon the trusts firstly in the Preamble to this Act referred to or otherwise for the purposes of The Annuity Fund.

Deeds to be null and void.

3. The several Deeds mentioned in the First Part of the First Schedule hereto shall as from the commencement of this Act be null and void and of no effect and after the commencement of this Act no Clergyman shall have any rights under or

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by virtue of the lastmentioned Deeds or under or by virtue of any Rules of The Annuity Fund or otherwise in respect of such lastmentioned Fund.

4. The property of The Annuity Fund shall as at and from the commencement of this Act and by force and virtue of this Act and without any other conveyance transfer assignment or assurance merge in and be amalgamated with The Superannuation Fund and be vested in and be held by The Synod upon the trusts and with and subject to the powers and provisions upon and with and subject to which The Synod for the time being holds the moneys investments securities and property constituting such lastmentioned Fund.

Property of
The Annuity
Fund to be
vested in
The Synod
upon the
trusts of The
Superan-
nuation Fund.

5. All Clergymen who immediately prior to the commencement of this Act were members of The Annuity Fund but were not members of The Superannuation Fund shall (without being required to submit to any medical examination and notwithstanding that they may at the commencement of this Act be above the age of sixty years) as at and from the commencement of this Act become and be members of such lastmentioned Fund and be bound by the Rules for the time being thereof provided that nothing in the present Rules of such lastmentioned Fund contained shall confer or be deemed to confer on any Clergyman who immediately prior to the commencement of this Act was a member of The Annuity Fund the right to any annuity at an earlier age than or otherwise than as provided by Sections 6 and 7 of this Act.

Members of
The Annuity
Fund to be
members of
The Superan-
nuation Fund

6. Notwithstanding anything in the present Rules of The Superannuation Fund contained but subject nevertheless to any alterations in or additions or amendments to the said Rules which may hereafter be made :—

Right to
annuity of
Clergymen
who are
members of
The Annuity
Fund.

- (1) all Clergymen who immediately prior to the commencement of this Act were in receipt of Annuities out of the income of The Annuity Fund shall as at and from the commencement of this Act without payment of any further premiums be entitled to an annuity out of The Superannuation Fund at the rate of £3 12s. 6d. for each year in respect of which they shall have paid premiums to The Annuity Fund provided however that no such annuity shall exceed in any one year the sum of £145.
- (2) all Clergymen not immediately prior to the commencement of this Act in receipt of Annuities out of the income of The Annuity Fund but who for a period of not less than forty years prior to the commencement of this Act shall have paid to The Annuity Fund all premiums required of them and penalties

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(if any) chargeable against them under or by virtue of the Rules for the time being of such lastmentioned Fund shall having attained or on or after attaining the age of seventy years or becoming prior to attaining that age permanently incapacitated through mental or physical infirmity without payment of any further premiums be entitled to an annuity out of The Superannuation Fund at the rate of £3 12s. 6d. for each year in respect of which they shall have paid such premiums as aforesaid provided however that no such annuity shall exceed in any one year the sum of £145.

- (3) all Clergymen not immediately prior to the commencement of this Act in receipt of Annuities out of the income of The Annuity Fund but who for a period of less than forty years prior to the commencement of this Act shall have paid to The Annuity Fund all premiums required of them and penalties (if any) chargeable against them under or by virtue of the Rules of such lastmentioned Fund and shall pay premiums at the rate of £6 6s. per annum to The Superannuation Fund until they shall have paid the required premiums to the said two Funds for a total period of forty years provided they shall have also paid all penalties (if any) chargeable against them under or by virtue of the Rules for the time being of The Superannuation Fund shall having attained or on or after attaining the age of seventy years or becoming prior to attaining that age permanently incapacitated through mental or physical infirmity be entitled to an annuity out of The Superannuation Fund at the rate of £3 12s. 6d. for each year in respect of which they shall have paid such premiums as aforesaid provided however that if prior to their having paid the required premiums to the said two Funds for the said period they shall commence to receive the said annuity they shall not be called upon to pay any further premiums and provided further that no such annuity shall exceed in any one year the sum of £145.

Right to annuity of Clergymen who are members of both The Annuity Fund and The Superannuation Fund.

7. Notwithstanding anything in the present Rules of The Superannuation Fund contained but subject nevertheless to any alterations in or additions or amendments to the said Rules which may hereafter be made any Clergyman who immediately prior to the commencement of this Act was a member of both The Annuity Fund and The Superannuation Fund shall on or after attaining the age of sixty-five years or becoming prior to attaining that age permanently incapacitated through mental or physical infirmity be entitled to an annuity

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out of The Superannuation Fund at the rate of £5 for each year in respect of which he shall have paid the required premiums to The Superannuation Fund provided however that he shall continue to pay to the lastmentioned Fund a premium at the rate of £9 10s. per annum from the commencement of this Act until he shall commence to receive the lastmentioned annuity and shall also on or after attaining the age of seventy years or becoming prior to attaining that age permanently incapacitated through mental or physical infirmity be entitled to an annuity out of The Superannuation Fund at the rate of £3 12s. 6d. for each year in respect of which he shall have paid the required premiums to The Annuity Fund up to and including the year 1935 provided however that the amount of his said annuities shall not exceed in the aggregate the sum of £200.

8. The Synod may at any time hereafter with the consent of not less than two-thirds of the members for the time being of The Widow and Orphan Fund if The Synod shall in its discretion think fit so to do by resolution duly passed in accordance with the Canons and Regulations of The Synod for the time being in force amalgamate The Widow and Orphan Fund with The Superannuation Fund and in such event :—

The Widow and Orphan Fund may be amalgamated with The Superannuation Fund.

- (1) the moneys investments securities and property of The Widow and Orphan Fund shall as at and from such date as The Synod shall determine merge in and be amalgamated with The Superannuation Fund and be vested in and held by The Synod upon the trusts and with and subject to the powers and provisions upon and with and subject to which The Synod for the time being holds the moneys investments securities and property constituting such lastmentioned Fund.
- (2) the persons who on the lastmentioned date are members of The Widow and Orphan Fund shall as at and from such date become and be members of The Superannuation Fund and be bound by the Rules for the time being thereof and the widows and children of such members of The Widow and Orphan Fund as may have died prior to such lastmentioned date and the widows and children of such members of the lastmentioned Fund as may die after such lastmentioned date shall be entitled to such annuities out of The Superannuation Fund and on such terms and conditions in all respects as The Synod shall determine, and
- (3) The several Deeds mentioned in the Third Schedule hereto shall as from the lastmentioned date be null and void and of no effect.

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Indemnity.

9. No action suit or other legal proceeding whatsoever shall be instituted or brought against The Synod or the Standing Committee of The Synod or the Financial Board of The Synod or any past or present member thereof respectively for or on account of or in respect of any act matter or thing prior to the commencement of this Act done or omitted to be done by it them or any of them in or about the execution or exercise of the trusts or powers or any of the trusts or powers vested in or conferred upon it them or any of them under or by virtue of the Deeds or any of the Deeds mentioned in the First or Second Schedules hereto respectively in reference to The Annuity Fund or The Superannuation Fund or otherwise in relation to the said two Funds or either of them.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.

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SCHEDULES.

FIRST SCHEDULE HEREINBEFORE REFERRED TO.

FIRST PART.

1. DEED POLL executed by The Synod under its Common Seal on the 1st day of August 1879.
2. DEED made the 10th day of April 1883 between The Synod of the one part and the several persons whose respective names and seals are thereunder written and set of the other part.
3. DEED POLL executed by The Synod under its Common Seal on the 12th day of August 1889.
4. DEED POLL executed by The Synod under its Common Seal on the 7th day of April 1893.
5. DEED POLL executed by The Synod under its Common Seal on the 20th day of October 1903.
6. DEED POLL executed by The Synod under its Common Seal on the 22nd day of May 1911.
7. DEED POLL executed by The Synod under its Common Seal on the 12th day of March 1912.

SECOND PART.

1. LOANS ON MORTGAGE OF REAL ESTATE :—

- (a) The sum of £500 secured by Memoranda of Mortgage Registered Nos. 845422, 907568, 963106, and 991046 over the whole of the land comprised in Certificate of Title Register Book Volume 661 Folio 17.
- (b) The sum of £600 secured by Memorandum of Mortgage Registered No. 971356 over the whole of the land comprised in Certificate of Title Register Book Volume 993 Folio 112.
- (c) The sum of £1161 secured by Memorandum of Mortgage Registered No. 976259 over the whole of the land comprised in Certificate of Title Register Book Volume 1441 Folio 63.
- (d) The sum of £1000 secured by Memorandum of Mortgage Registered No. 1043266 over the whole of the land comprised in Certificate of Title Register Book Volume 1324 Folio 54.
- (e) The sum of £850 secured by Memorandum of Mortgage Registered No. 1086145 over the whole of the land comprised in Certificate of Title Register Book Volume 629 Folio 172.
- (f) The sum of £300 being portion of the moneys secured by Memorandum of Mortgage Registered No. 1083358 over the whole of the land comprised in Certificate of Title Register Book Volume 1542 Folio 67.
- (g) The sum of £300 being portion of the moneys secured by Memorandum of Mortgage Registered No. 1101954 over the whole of the land comprised in Certificate of Title Register Book Volume 1308 Folio 112.
- (h) The sum of £650 secured by Memorandum of Mortgage Registered No. 562309 over the whole of the land comprised in Certificate of Title Register Book Volume 1514 Folio 22.
- (i) The sum of £1000 being portion of the moneys secured by Memorandum of Mortgage Registered No. 1130551 over the whole of the land comprised in Certificates of Title Register Book Volume 1401 Folios 86 and 87.
- (j) The sum of £500 secured by Memorandum of Mortgage Registered No. 574098 over the whole of the land comprised in Certificate of Title Register Book Volume 936 Folio 137.
- (k) The sum of £400 being portion of the moneys secured by Memorandum of Mortgage Registered No. 886309 over the whole of the land comprised in Land Grant Register Book Volume 720 Folio 24 and Certificates of Title Register Book Volume 818 Folio 191, Volume 1157 Folio 165 and Volume 1234 Folio 120.
- (l) The sum of £1000 being portion of the moneys secured by Memorandum of Mortgage Registered No. 1031559 over the whole of the land comprised in Certificate of Title Register Book Volume 734 Folio 107.

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- (m) The sum of £300 secured by Memorandum of Mortgage Registered No. 678855 over the whole of the land comprised in Certificate of Title Register Book Volume 198 Folio 10.
- (n) The sum of £1500 being portion of the moneys secured by Memorandum of Mortgage Registered No. 961523 over the whole of the land comprised in Land Grant Register Book Volume 835 Folio 90.
- (o) The sum of £700 secured by Memorandum of Mortgage Registered No. 739912 over the whole of the land comprised in Certificate of Title Register Book Volume 1231 Folio 144.
- (p) The sum of £300 secured by Memorandum of Mortgage Registered No. 1029896 over the whole of the land comprised in Certificate of Title Register Book Volume 884 Folio 96.
- (q) The sum of £700 being portion of the moneys secured by Memorandum of Mortgage Registered No. 992511 over the whole of the land comprised in Certificate of Title Register Book Volume 1566 Folio 120.
- (r) The sum of £1100 secured by Memorandum of Mortgage Registered No. 1181983 over the whole of the land comprised in Certificate of Title Register Book Volume 1637 Folio 34.
2. AUSTRALIAN CONSOLIDATED INSCRIBED STOCK :—
- (a) £200 3 % Australian Consolidated Inscribed Stock maturing 15th December 1938.
- (b) £100 3 % Australian Consolidated Inscribed Stock maturing 15th October 1944.
- (c) £400 4 % Australian Consolidated Inscribed Stock maturing 15th December 1938.
- (d) £210 4 % Australian Consolidated Inscribed Stock maturing 15th November 1941.
3. CASH IN BANK :—
- The sum of £18 10s. 10d. on deposit with the Savings Bank of South Australia.

SECOND SCHEDULE HEREINBEFORE REFERRED TO.

1. DEED POLL executed by The Synod under its Common Seal on the 28th day of June 1916.
2. DEED POLL executed by The Synod under its Common Seal on the 28th day of September 1933.

THIRD SCHEDULE HEREINBEFORE REFERRED TO.

1. DEED POLL executed by The Right Reverend Augustus Short, Lord Bishop of Adelaide, Neville Blyth of Adelaide Esquire and Thomas Joseph Shuldham O'Halloran of North Adelaide Esquire on the 15th day of May 1865.
2. DEED made the 1st day of August 1879 between the abovenamed The Right Reverend Augustus Short, Neville Blyth and Thomas Joseph Shuldham O'Halloran of the one part and The Synod of the other part.
3. DEED POLL executed by The Synod under its Common Seal on the 11th day of September 1884.
4. DEED POLL executed by The Synod under its Common Seal on the 29th day of June 1891.
5. DEED POLL executed by The Synod under its Common Seal on the 3rd day of March 1893.
6. DEED POLL executed by The Synod under its Common Seal on the 20th day of October 1903.
7. DEED POLL executed by The Synod under its Common Seal on the 22nd day of May 1911.
8. DEED POLL executed by The Synod under its Common Seal on the 30th day of August 1918.
9. DEED POLL executed by The Synod under its Common Seal on the 15th day of June 1933.