

ANGLICAN CHURCH OF AUSTRALIA

DIOCESE OF CANBERRA AND GOULBURN

¹CLERGY FAMILY ALLOWANCES ORDINANCE 1981^{2 3}

AN ORDINANCE

To provide for the payment of family allowances in respect of the children of certain clergymen and other persons.

Be it enacted by the Synod of the Diocese of Canberra and Goulburn, as follows:-

SHORT TITLE

1. This Ordinance may be cited as the Clergy Family Allowances Ordinance 1981.

COMMENCEMENT

2. This Ordinance shall come into operation on a date to be fixed by Bishop-in-Council and notified to each parish and special district.

INTERPRETATION

3. (1) In this Ordinance, unless, the contrary intention appears –
“Bishop” means the Bishop of the Diocese;
“child or stepchild (wholly dependent on the clergyman) of a clergyman” means –
(a) a child or stepchild (wholly dependent on the clergyman) of a clergyman who –
(i) is under the age of 18 years; and
(ii) has not begun to be in employment or to be engaged in work on his own account; or
(b) a child or stepchild (wholly dependent on the clergyman) of a clergyman in respect of whom a direction under sub-section 4 (5) is in force;
“clergyman” means –
(a) a clergyman licensed by the Bishop as the rector or priest-in-charge of a parish or special district;
(b) a clergyman licensed by the Bishop as an assistant priest or deacon on the staff of a parish or special district and serving as such otherwise than in an honorary capacity; or
(c) a clergyman licensed by the Bishop and employed by the Diocese, and includes –
(d) the Bishop, and
(e) the Assistant Bishop;
“Diocese” means the Diocese of Canberra and Goulburn;
“Endowee” means a person to whom a family allowance has been granted;
“Registrar” means the Registrar of the Diocese.

¹ Please note that the Original Ordinances included in this Consolidation are recorded in the Ordinance books of the Diocese of Canberra and Goulburn. If you have any concern about this consolidation please contact; rupert.hammond@netspeed.com.au
This version of the Ordinance has not been approved by the Chancellor in accordance with section 75 of the Diocesan Legislation Ordinance 2007 and is only for information

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³ Amended by Clergy Leave Ord 1995

- (2) in the definition of ‘child of a clergyman’ in sub-section (1) a reference to a stepchild of a clergyman shall be read as a reference to a stepchild of a clergyman who is wholly or substantially dependent on the clergyman

DIRECTIONS

4. (1) Where the Bishop-in-Council is satisfied that there is in existence in respect of a child of a clergyman an agreement or arrangement under which
- (a) the child is to be paid an allowance, whether by way of salary or wages or otherwise, while pursuing a course of study or training; and
 - (b) the child is to remain or engage in employment as set out in the agreement or arrangement,
- Bishop-in-Council may direct that the child shall be deemed for the purposes of this Ordinance, to be in employment.
- (2) The Bishop-in-Council may, having regard to the nature of, and the amount earned or to be earned and the time occupied or to be occupied in any employment or work or any intended employment or work, direct that the employment or work shall not be taken into account, or that the intended employment or work shall not, when begun, be taken into account, in determining whether or not for the purposes of this Ordinance, a child of a clergyman has begun to be in employment or to be engaged in work on his own account.
- (3) The Bishop-in-Council may, having regard to the nature of the employment or work of persons included in a class of children of clergymen, direct that the employment or work shall not be taken into account in determining whether or not, for the purposes of this ordinance, a person included in that class has begun to be in employment or to be engaged in work on his own account.
- (4) Where the Bishop-in-Council is satisfied that a child of a clergyman is in the care and control of a woman whose marriage to the clergyman has been dissolved or annulled and that the child is wholly or substantially dependent on the clergyman or that woman, or both, the Bishop-in-Council may direct that this ordinance shall apply to and in relation to the child as if that woman were the wife of the clergyman within the meaning of this Ordinance.
- (5) Where the Bishop-in-Council is satisfied -
- (a) that a child of a clergyman who is wholly or substantial dependent on the clergyman –
 - (i) has attained the age of 18 years;
 - (ii) is receiving full-time education at a school college or university; and
 - (iii) has not begun to be in employment or to be engaged in work on his own account; and
 - (b) that there are special circumstances justifying the payment of family allowance in respect of the child,
- the Bishop-in-Council may direct that, until the Bishop-in- Council revokes the direction, this ordinance apply in respect of the child as if he had not attained the age of 18 years.
- (6) The Bishop-in-Council may at any time, revoke or vary a direction under sub-section (2), (3), (4) or (5).

FAMILY ALLOWANCE

5. (1) Subject to this section, the wife of a clergyman is qualified to receive a family allowance in respect of each child of the clergyman.

- (2) Where a clergyman has the care and control of a child of the clergyman and the clergyman and his wife are permanently living apart, or the clergyman is widowed or divorced, the clergyman is, subject to sub-section (3), qualified to receive a family allowance in respect of the child.
- (3) Where this ordinance applies to and in relation to a child of a clergyman, by virtue of a direction under sub-section 4(4), as if a woman who had been married to the clergyman were the wife of the clergyman that woman is eligible to receive a family allowance in respect of the child.

CLAIM FOR FAMILY ALLOWANCE

6. A claim for family allowance in respect of a child of a clergyman -
 - (a) shall be made in writing in accordance with the form available by the Registrar;
 - (b) shall be supported by such documents as are required by the form; and
 - (c) shall be lodged with the Registrar.

GRANT OF FAMILY ALLOWANCE

7. (1) Where the Registrar is satisfied that a person who has lodged claim for family allowance in respect of a child of a clergyman is qualified to receive a family allowance in respect of the child, he shall grant the allowance.
- (2) Where the Registrar is satisfied that an endowee is not qualified, or is no longer qualified to receive a family allowance in respect of a child of a clergyman, he shall revoke the grant of the allowance.
- (3) A family allowance is not payable to two persons in respect of the same child.

PAYMENT OF FAMILY ALLOWANCE

8. (1) Family allowance shall be paid
 - (a) to the endowee; or
 - (b) on behalf of the endowee, to such other person as the endowee nominates, by writing under his hand delivered to the Registrar.
- (2) Family allowance shall be paid in such manner and by such instalments as the Bishop-in-Council determines.

AMOUNT OF FAMILY ALLOWANCE

9. The rate of family allowance payable to an endowee in respect of a child of a clergyman is \$20 per month or such other rate as is for the time being determined by the Bishop-in-Council.

FAMILY ALLOWANCE TO CEASE

10. Family allowance payable to an endowee in respect of a child of a clergyman ceases to be payable -
 - (a) if the endowee ceases to be qualified to receive the allowance in respect of the child; if
 - (b) if the child attains the age of 18 years and no direction is given under sub-section 4(5) in respect of the child;
 - (c) if the child begins to be in employment or to be engaged in work, other than employment or work that is the subject of a direction under sub-section 4(2) or (3); or
 - (d) if a direction under sub-section 4(5) in respect of the child is revoked.

ENDOWEE TO NOTIFY OCCURRENCE OF CERTAIN EVENTS

11. (1) Where a child of a clergyman -
- (a) dies;
 - (b) attains the age of 18 years;
 - (c) begins to be in employment or to be engaged in work, other than employment or work that is the subject of a direction under sub-section 4(2) (3); or
 - (d) being a child in respect of whom a direction under sub-section 4(5) is in force, ceases to be receiving full time education of a school, college or university, the endowee shall, within 14 days after the occurrence of that event notify the Registrar accordingly.
- (2) Where, by reason of an event other than an event specified in sub-section (1), an endowee ceases to be qualified to receive family allowance in respect of a child, the endowee shall, within 14 days after the occurrence of that event, notify the Registrar accordingly.

FAMILY ALLOWANCE PAYABLE OUT OF DIOCESAN FUNDS

- 12 Family allowance is payable out of moneys of the Diocesan lawfully available for the purpose and is a charge on those moneys.

LEVY ON PARISHES AND SPECIAL DISTRICTS

13. (1) An annual levy is hereby imposed on, and is payable to the Registrar by, each parish or special district for the purpose of enabling the Diocese to pay the family allowances provided for in this Ordinance.
- (2) Levy payable by a parish or special district is payable at the rate of \$384 per year (or such other rate per year as is for the time being determined by the Bishop-in-Council) for each stipendiary clergyman employed on the staff of the parish or special district.
- (3) Levy is payable at such times and by such instalments as the Bishop-in-Council determines.
14. A direction under sub-section 4(2), (3), (4) or (5), a variation of such a direction, a grant of family allowance under sub-section 7(1) or the revocation of such a grant may be expressed to have had effect from a date before or after, or from, the date on which it is made.

Notes

Passed with amendments and assented to by Bishop Owen on 25 July 1981
See the Clergy Leave Ordinance 1995