

11.4 MINISTERS BENEFIT FUND

11.4.1 The Synod shall establish a fund to be known as the Ministers Benefit Fund which shall be administered by the General Secretary of the Synod.

DEFINITIONS

11.4.2 In these By-laws:

- a. "Minister" shall mean Minister of the Word, Deacon, Deaconess, Lay Pastor, person accredited to the specified ministry of Youth Worker and candidate for ministry in an approved placement.
- b. "Accident Insurance policy" means the Accident Insurance policy arranged under By-law 11.4.5.b.i.
- c. "The Fund" means the Fund established pursuant to By-law 11.4.1.
- d. "Work-related disability" means disability arising out of or in the course of work as a Minister.
- e. "disability" means any physical or mental injury including loss, deterioration or impairment of a limb, organ or part of the body, or of a physical, mental or sensory faculty or a disease or a disfigurement.
- f. "disease" includes any physical or mental ailment, disorder, defect or morbid condition, whether sudden or gradual development.
- g. "incapacity" means any reduction in capacity that effects the Minister's ability to perform their duties.

PURPOSES OF THE FUND

11.4.3 The purposes of the Ministers Benefit Fund shall be to provide assistance for sickness, work place injury and on compassionate grounds as follows:

- a. To assist Congregations and other bodies during the Minister's incapacity, temporary or otherwise, whether arising out of or in the course of their work or not.
- b. For benefits payable on the death of a Minister whilst serving in a placement.
- c. For benefits payable to a Minister on maternity leave, paternity leave or adoption leave.

- d. For up to three consecutive counselling sessions for Ministers assessed medically as under stress when serving in an approved placement.
- e. For personal, carers or compassionate leave of up to 10 days per year for each permissible occasion when a member of the Minister's immediate family or household (that is, spouse, parent, parent in law, sister or brother, child or step child, grandparent or any dependant person) contracts or develops a personal illness that poses a serious threat to their life or sustains a personal injury that poses a serious threat to their life.

ELIGIBILITY

11.4.4 Provided the appropriate premium is paid to the Synod, the following persons are eligible for protection under the Ministers Benefit Fund:

- a. Ministers placed in an approved placement according to Regulation 2.6.1 to 2.6.9
- b. Ministers classified under Regulation 2.6.1 (b) (ii) "Active service seconded to another church" provided such ministry is exercised within the state of South Australia.
- c. Ministers classified under Regulation 2.6.1 (b)(iii) "Active service serving in an ecumenical or Church-related body".
- d. Ministers awaiting placement who as the result of a decision of Presbytery, Synod or other appropriate body, are serving in an approved placement either full or part-time.
- e. Ministers and Ministers Retired who are eighty (80) years of age or under serving in an approved placement in supply capacity. The only approved placements recognised by the Ministers Benefit Fund for supply ministry will be those approved by the South Australian Presbytery and Synod Placements Committee and filled by the Presbytery, Synod or other appropriate body.
- f. Ministers and Ministers Retired who are eighty (80) years of age or under, working as chaplains, consultants or the like in public and private hospitals, public institutions such as gaols and educational institutions and other ministries designated by the Synod.
- g. Ministers pursuing an approved course of study according to Regulation 2.6.1 (c).

- h. Ministers who are serving in Ethnic Congregations, recognised as such by the Presbytery under Regulation 3.4.1

FINANCIAL ARRANGEMENTS

- 11.4.5
 - a. Each Church Council or other appropriate body shall in respect of each Minister in placement pay into the Fund the amount determined by the Synod from time to time on the recommendation of the Stipends Committee.
 - b. The Stipends Committee and its sub-committee, as provided for in 11.4.6.c, shall from time to time take such action as is deemed to be appropriate to cover the contingencies provided for in clause 11.4.3 including:
 - i. Arranging in consultation with the Uniting Church Insurance Services, appropriate accident and/or sickness insurance for part or all of the risk.
 - ii. Payment from the Fund of part or all of any claim.
 - iii. Payments appropriately incurred to manage the Fund.
 - c. Money accrued by the Fund shall be invested into an appropriate UC Invest account established in accordance with Section 44 of The Uniting Church in Australia Act 1976-1977.
 - d. Money in the Fund can be used to pay Fund management and risk mitigation costs including support for rehabilitation and return to work programs and the costs of administration, actuarial reviews and insurance premiums.

WORK RELATED NOTIFICATION AND CLAIMS

- 11.4.6
 - a. Ministers shall notify the General Secretary or in their absence the Associate General Secretary the incapacity of a work-related disability suffered by them within twenty-four (24) hours of the occurrence or as soon as practicable thereafter.
 - b. A medical certificate indicating the nature and probable cause of the disability and the extent and probable duration of incapacity shall be submitted at the same time.
 - c. In the case of any claim made to the Fund in respect of the incapacity of a Minister due to a work-related disability, a sub-committee appointed by the Stipends Committee comprising the General Secretary (or delegate), Executive Officer Pastoral Relations (or delegate), Associate General Secretary and

Pastoral Relations Administration Officer shall determine the claim and may require a Minister to submit to medical examinations arranged by it.

- d. A report from an appropriate medical practitioner, dependent on the nature of the illness or injury, may be required at intervals as determined by the sub-committee appointed in accordance with By-law 11.4.6.c. Where reports are required Ministers will cooperate to enable the reports to be obtained.
- e. Should any dispute arise in relation to a decision of the sub-committee with respect to any work-related disability the matter shall be submitted to the Standing Committee which may decide the matter or may appoint an independent person or committee to decide the matter.

NON WORK RELATED INCAPACITY NOTIFICATION AND CLAIMS

- 11.4.7
- a. Ministers shall notify the General Secretary or in their absence the Associate General Secretary the incapacity of a non work-related disability suffered by them within seven (7) days of the occurrence.
 - b. A medical certificate indicating the nature and probable cause of the disability and the extent and probable duration of incapacity shall be submitted within seven (7) days of the occurrence.
 - c. A report from an appropriate medical practitioner, dependent on the nature of the illness or injury, may be required at intervals as determined by the sub-committee appointed in accordance with By-law 11.4.6.c.

Where reports are required Ministers will cooperate to enable the reports to be obtained.

- d. In the case of incapacity of a Minister due to causes that are not work-related the General Secretary of the Synod shall administer the Fund and report to the Stipends Committee and if necessary the Standing Committee.

DETERMINATION OF INCAPACITY

- 11.4.8
- Whensoever any of the issues are to be determined in relation to the administration of the Fund:
- a. Whether or not incapacity has occurred and the extent of such incapacity,
 - b. Whether incapacity of any extent is work-related and the extent of such relationship,

- c. and whether any relationship or dependency exists,

the same shall be determined by the sub-committee in the exercise of its reasonable judgment after examination of such evidence as it deems fit to determine the issue. If the sub-committee is unable to determine the issue it will go before the Stipends Committee for final determination.

PAYMENTS

INCAPACITY OF A MINISTER IN PLACEMENT – WORK and /or NON WORK RELATED

11.4.9 When a Minister is unable to work because of their incapacity:

- a. For the initial two (2) months:
 - i. The Congregation or other body responsible for the payment of stipend shall continue normal payment of stipend and allowances to the Minister from the commencement date as per the notification.
 - ii. In making provision for the continuation of the work normally carried out by the incapacitated Minister, the sub-committee may in consultation with Pastoral Relations organise supply and the Fund shall be responsible for the payment of the minimum stipend, professional development allowance, accommodation allowance, plus the Ministers Benefit Fund and Beneficiary Fund contributions for the Supply Minister.
 - iii. The total travelling costs of the Minister in providing supply will be shared equally by the Fund and the Congregation or other appointing body and are to be paid at the rate of travelling determined by the Synod which covers a combination of the cents per kilometre rate for depreciation and running costs where the Minister providing supply does not have a leased motor vehicle and is not receiving the standing charges and depreciation allowance.
 - iv. The Congregation or other body shall be responsible for the payment of other expenses incurred in the normal work of the Congregation or other body.
- b. After two (2) months:
 - i. The Fund shall be responsible for payment of minimum stipend and allowances to the incapacitated Minister for a period of twelve (12) months provided that if the period of incapacity for a work-related disability extends

- beyond one (1) year the Fund shall be responsible for payment of eighty percent (80%) of the minimum stipend for a further 18 months up to a maximum period of thirty (30) months
- ii. At the commencement of this period the Fund may seek from the minister an updated medical report regarding the current and ongoing condition including, if possible, an estimation of the period of incapacity.
 - iii. The maximum thirty (30) month period will also be applied to existing claims with stipend and allowances benefits ceasing on 30th September 2018; being thirty (30) months from the effective date of April 1st 2016.
 - iv. The Fund will seek rehabilitation and return to work management options for the minister from all parties able to assist.
 - v. Approved loadings or allowances above the minimum are to be paid by the congregation or other appointing body.
 - vi. Without detracting from the capacity of a Minister to seek the payments set out in 11.4.9.b. i or ii, where the incapacity of a Minister extends beyond six (6) months, Ministers are to be encouraged to apply for a temporary disablement benefit from the Beneficiary Fund or other appropriate superannuation fund. An income maintenance payment of the difference between the temporary disablement pension and one-hundred percent (100%) of the minimum stipend and allowances will be provided to enable Ministers to be supported for the remainder of the twelve (12) months that the Ministers Benefit Fund applies.
 - vii. Where a work-related disability has resulted in retirement under Regulation 2.6.1 (d)(i)(2) and the Minister is judged to be medically unfit for work in any other occupation the Fund shall provide an income maintenance payment to make up the annuity paid by the Uniting Church in Australia Beneficiary Fund to one-hundred percent (100%) of the minimum stipend in the first (1st) year of the Minister's incapacity and to eighty (80%) of the minimum stipend in the second (2nd) and subsequent years until such time as the Minister's youngest child attains the age of eighteen (18) years or the Minister attains the age of sixty-five (65) years whichever is the latter.
- c. Subject to cap on the duration and amount of payments provided in 11.4.9, payment under this clause shall in any event cease:

- i. If the Minister is permanently retired under the provisions of Regulation 2.6.1 (d)(i)(2) or
- ii. If the Minister is no longer incapacitated for work on medical grounds; or
- iii. If the Minister consents; or
- iv. If the Minister fails to comply with a written request from the Committee to provide a medical certificate or submit to a medical examination arranged by the Committee or comply with the sub-committee's reasonable requirements of a return to work program
- v. If in the reasonable opinion of the sub-committee the Minister has resumed work as a Minister or in another occupation.

NON WORK RELATED INCAPACITY– MINISTER IN SUPPLY

- 11.4.10 Where a Minister is placed in a supply ministry (including those Awaiting Placement and Ministers Retired) such Ministers who suffer a non work-related incapacity will only be entitled to payment of stipend and allowances for the balance of the term of the supply during which the incapacity arose.

PERMANENT WORK-RELATED DISABILITIES – ADDITIONAL LUMP SUM

- 11.4.11 When a Minister suffers a permanent work-related disability they shall be entitled to an additional lump sum payment equivalent to the amount specified for the event in the Accident Insurance policy provided that a determination that permanent work-related disability has occurred and has been made in the manner provided for in the Accident Insurance policy.

DEATH OF A MINISTER IN PLACEMENT

- 11.4.12 If the death of a Minister occurs whilst they are in a placement the following payments may be made at the discretion of the sub-committee:
- a. A sum of ten percent (10%) of the stipend at the date of the Minister's death may be paid immediately to the dependants of the deceased

Death in a Placement - Work Related

- 11.4.13 If death occurs while a Minister is in placement and is due to work-related causes the following payments may be made:
- a. An amount prescribed under the Accident Insurance policy to the spouse.
 - b. To a dependent spouse:
 - i. A monthly amount which together with the payment from the Uniting Church in Australia Beneficiary Fund equals fifty percent (50%) of the minimum stipend; and
 - ii. An amount of twelve-and-a-half percent (12.5%) of the minimum stipend for each dependent child under eighteen (18) years of age provided that these payments shall not for the first (1st) twelve (12) months following the date of death exceed one hundred percent (100%) of the minimum stipend and eighty percent (80%) of the minimum stipend in the second (2nd) and subsequent years and that the Fund payment shall cease at the date that the Minister would have attained the age of sixty-five (65) years.

Death in Placement - Non Work Related

- c. If the death does not arise out of a work-related disability the spouse or other dependants of the deceased may be paid an amount up to the equivalent of six (6) months stipend in addition to the payment under 11.4.12.a.

Arrangements Whether Work Related or Not

- 11.4.14 Arrangements may be made by the Congregation or appropriate body for the widow/widower to continue to reside in the manse for a period up to six (6) months, or the Fund may pay to the dependant widow/widower an accommodation allowance at a rate to be determined by the Synod from time to time for a period up to six (6) months.
- 11.4.15 Following the death of a Minister the Congregation or other body responsible for the payment of stipend shall be responsible for the stipend and other allowances of any Minister appointed to fill a vacancy until a new placement is arranged.
- 11.4.16 Should the death of a Minister occur in circumstances not covered by these By-laws the Synod or its Standing Committee is hereby empowered to make such provision from the Fund for the widow/widower or dependants as it sees fit.

GENERAL

- 11.4.17 Where a Minister or a Minister's dependants may have any claim for Common Law or Motor Vehicle Third Party Bodily Injury Insurance damages in relation to an accident, the Minister or the Minister's dependants may not receive any benefit from the Fund in respect of death or incapacity from the accident unless the Minister or the Minister's dependants first sign a legally binding agreement to repay to the Fund the amount which the Minister or the Minister's dependants receive from the Fund plus interest at seven percent (7%) or at such other rate as may be decided from time to time by the Synod up to the amount of such damages as the Minister or the Minister's dependants may receive.
- 11.4.18 The sub-committee appointed in accordance with By-law 11.4.6.c may authorise the payment of ex gratia payments to any Minister where special circumstances are deemed to exist.

MINISTERS WHO ARE STOOD ASIDE, SUSPENDED OR HAVE RECOGNITION WITHDRAWN

- 11.4.19 There are special conditions for Ministers who are stood aside, suspended or have their recognition withdrawn.
- a. When a Minister is stood aside under Regulation 5.7.5 that minister shall no longer be eligible for all the sickness or incapacity benefits available under the Ministers Benefit Fund. In this case, sickness benefits will only apply for up to 30 days sickness at the discretion of the sub-committee. Death benefits will continue to be at the discretion of the sub-committee.
 - b. When a Minister is suspended under Regulation 5.7.4 (r) (iii) or (v) that minister shall no longer be eligible for sickness or incapacity benefits from the Ministers Benefit Fund. In this case no sickness benefits will apply. Death benefits will continue to be at the discretion of the sub-committee.
 - c. When a Minister has their recognition withdrawn under Regulation 5.7.4 (r)(vi) that minister shall no longer be eligible for any benefits from the Ministers Benefit Fund.