

Church Insurances Ordinance 1981 Amendment Ordinance 2012

No 31, 2012

Long Title

An Ordinance to re-declare the trusts on which certain property used to obtain diocesan insurance is held, and for purposes related thereto.

Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") holds certain church trust property (the "funds") under the *Church Insurances Ordinance 1981* (the "Principal Ordinance") arising from payments made by parochial units and other diocesan bodies to insure against risks associated with the Anglican Church in the Diocese of Sydney (the "Diocese").

B. By reason of circumstances which have arisen after the creation of the trusts on which the funds are held it is inexpedient to carry out and observe those trusts.

C. It is also expedient to make provision for the application of the funds to meet costs and expenses related to or incidental to the insurances taken out by the Property Trust under the Principal Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the *Church Insurances Ordinance 1981 Amendment Ordinance 2012*.

2. Declaration of inexpediency

By reason of circumstances which have arisen after the creation of the trusts on which the funds are held it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied in accordance with clause 3 of the Schedule.

3. Amendment of Principal Ordinance

The Principal Ordinance is amended by deleting all of the matter from and including the Long Title and inserting instead the matter in the Schedule.

4. Savings and transition

The amendments to the Principal Ordinance made by clause 3 do not affect or invalidate any act done under the Principal Ordinance before the date of assent to this Ordinance.

5. Commencement

This Ordinance commences on the date of assent.

Schedule

Long Title

An Ordinance to provide for insurance against risks associated with the Anglican Church in the Diocese of Sydney and for related purposes.

Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") holds certain church trust property (the "funds") arising from payments made by parochial units and other diocesan bodies to insure against risks associated with the Anglican Church in the Diocese of Sydney (the "Diocese").

B. It is expedient that the funds are also applied to meet costs and expenses related to or incidental to the insurances taken out by the Property Trust against such risks and the payment of other amounts to manage and address risks associated with the Diocese.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

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1. Name

This Ordinance is the Church Insurances Ordinance 1981.

2. Interpretation

For the purposes of this Ordinance –

board means any council, committee, board or body constituted by or under the provisions of any act, deed, ordinance, constitution or otherwise, whether incorporated or not, to which the management, control or use of any church trust property is committed.

parochial unit means a parish, provisional parish, recognised church or provisional recognised church in the Diocese.

3. Trusts

The funds are held on trust to advance the purposes of the Diocese through the payment of –

- (a) premiums for insurance against risks associated with the Diocese and other costs or expenses related to or incidental to such insurance, and
- (b) other amounts to manage and address risks associated with the Diocese.

4. Legal liability insurance

The Property Trust, to the extent that the funds are sufficient to permit the same to be applied in meeting the premiums payable on the insurance to be effected pursuant to this clause, shall apply the funds to insure against liability for death or injury to persons and loss or damage occurring in connection with the ownership, management, control or user of church trust property provided that the Property Trust may by notice in writing inform any board that such insurance shall not be effected by the Property Trust and in that case the board shall effect the insurance.

5. Insurance of improvements

The Property Trust, to the extent that the funds are sufficient to permit the same to be applied in meeting the premiums payable on the insurance to be effected pursuant to this clause, shall apply the funds to insure all improvements erected on church trust property together with any contents being church trust property provided that the Property Trust may by notice in writing inform the board that such insurance shall not be effected by the Property Trust and in that case the board shall effect the insurance.

6. Other insurances

The Property Trust, to the extent that the funds are sufficient to permit the same to be applied in meeting the premiums payable on the insurance to be effected pursuant to this clause, may effect any other insurance it considers prudent for the Diocese as a whole including any insurance the wardens or a parochial unit or a church of a parochial unit, but for this Ordinance, would be required to or may effect.

7. Standing Committee may make regulations

Any insurance effected pursuant to this Ordinance shall be in accordance with any regulations which may be made from time to time by the Standing Committee.

8. Notification of insurances

The Property Trust, on taking out insurance under clause 4, 5 or 6 in relation to any parochial unit, must notify the wardens of the parochial unit or each church of the parochial unit, as soon as reasonably possible thereafter, of the risks insured against and the sum or sums insured.

9. Other costs and expenses

(1) The Property Trust, to the extent that the funds are sufficient after meeting the cost of insurances taken out under clauses 4, 5 and 6, may apply the funds –

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- (a) to meet such other costs and expenses related or incidental to such insurances, and
- (b) to pay such other amounts to manage and address risks associated with the Diocese,

as the Property Trust considers prudent.

(2) The costs and expenses of the Property Trust in performing its functions and exercising its powers under this Ordinance are to be paid from the funds.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 17 September 2012.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
18/09/2012