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*Church Insurances Ordinance 1981*


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No. 37, 1981

AN ORDINANCE to provide for insurance of church trust property, to deem a corporate body to be the nominal employer of clergy for the purposes of worker's compensation insurance and to authorise other insurances.

## WHEREAS

A. It is expedient to enable insurance cover to be effected where appropriate for the Diocese of Sydney as a whole.

B. It is expedient for the purposes of worker's compensation insurance that a corporate body be deemed to be the nominal employer of clergy in the Diocese of Sydney.

NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

1. (1) For the purposes of this Ordinance:—
  - (a) "Archbishop" means the Archbishop of Sydney for the time being, any Commissary duly appointed by him or any Administrator of the Diocese of Sydney.
  - (b) "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.
  - (c) "church trust property" has the same meaning as in the Church of England Trust Property Act, 1917 (as amended).
  - (d) "Corporate Trustee" means Church of England Property Trust Diocese of Sydney.
  - (e) "Secretariat" means Sydney Diocesan Secretariat.
  - (f) "Standing Committee" means the Standing Committee of the Synod of the Diocese of Sydney.
- (2) This Ordinance may be cited as the "Church Insurances Ordinance 1981".
2. The Corporate Trustee, to the extent that the Corporate Trustee has funds under its control and held on trusts which permit the same to be applied in meeting the premiums payable on the insurance to be effected pursuant to this clause, shall 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 Corporate Trustee may by notice in writing inform any Board that such insurance shall not be effected by the Corporate Trustee and in that case the Board shall effect the insurance.
3. The Corporate Trustee, to the extent that the Corporate Trustee has funds under its control and held on trusts which permit the same to be applied in meeting the premiums payable on the insurance to be effected pursuant to this clause, shall insure all improvements erected on church trust property together with any contents being church trust property PROVIDED that the Corporate Trustee may by notice in writing inform any Board that such insurance shall not be effected by the Corporate Trustee and in that case the Board shall effect the insurance.

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4. The Secretariat shall, to the extent that the Secretariat has funds under its control and held or trusts which permit the same to be applied in meeting the premiums payable on the insurance to be effected pursuant to this clause, in the name of a corporate body as nominal employer effect worker's compensation insurance for all clergy holding a licence from the Archbishop PROVIDED that the Secretariat may by notice in writing inform any Board or employer that such insurance shall not be effected by the Secretariat and in that case the Board or employer shall effect such insurance.

5. The Secretariat may effect any other insurance it deems expedient for the Diocese of Sydney as a whole including any insurance churchwardens, but for this Ordinance, would be required to or may effect.

6. 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.

7. The Sydney Church Ordinance 1912 (as amended) is further amended by deleting the word "To" at the beginning of Section 41(3) and inserting instead the words "Subject to the Church Insurances Ordinance 1981, to".

8. The Church of England Property Trust Diocese of Sydney Ordinance 1965 (as amended) is further amended by inserting after clause 10(i) (k) the following paragraph:—

"(l) insure against loss or damage whether by fire or otherwise any insurable property and against any risk or liability which it would be prudent for a person to insure if he were acting for himself."

9. The Presentation and Exchange Ordinance 1933 (as amended) is further amended by the insertion in clause 8(1)(b) after the word "year" of the following words:—

"PROVIDED that any payments made to the rector in lieu of or partly in lieu of stipend and pursuant to worker's compensation legislation shall not prevent this condition being satisfied."

10. (1) Save as herein provided, this Ordinance shall take effect on and from 1st January 1982.

(2) Clause 3 hereof shall take effect on and from 1st January 1984 or where, before that date, the Standing Committee has by resolution appointed a later date, on and from the later date so appointed but, in any event, only after the Synod of this Diocese has approved the basis on which the premium payable for the insurance to be taken out pursuant to clause 3 shall be levied on the parishes and provisional parishes of this Diocese.

(3) Clause 4 hereof shall take effect on and from 1st January 1983.

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

E. D. CAMERON  
Chairman of Committees

WE CERTIFY that this Ordinance was passed by the Synod of the Diocese of Sydney on this 12th day of October 1981,

R. J. BOMFORD  
W. G. S. GOTLEY  
Secretaries of Synod

I ASSENT to this Ordinance.

M. L. LOANE  
Archbishop of Sydney

12/10/1981