

Diocese of Melbourne Insurance Act 1986

Act No 1 of 1986

Serial No 136

Reprinted 1 May 2019 incorporating amendments up to Act No. 5/2016¹

Diocese of Melbourne Insurance Act 1986

AN ACT

to make provision for the Insurance of Diocesan Property, to authorise other Insurances and for other purposes.

BE IT ENACTED by the Archbishop, the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Melbourne in Victoria duly met in Synod according to law as follows:

- 1 This Act may be cited as the **Diocese of Melbourne Insurance Act 1986**.
- 2 This Act shall come into operation on a day to be appointed by the Archbishop in Council.

s 3 am 1/2016 and 5/2016

- 3 In this Act unless the contrary intention appears—

Board means any council, committee, board, parish council or body constituted by or under the provisions of any Act of Parliament, Act of Synod, deed, ordinance, constitution or otherwise, whether incorporated or not, to which the management, control or use of any diocesan trust property is committed.

Diocesan Trusts Corporation means the Trusts Corporation.

Diocesan trust property includes all or any part of any real and personal property which may for the time being be subject to any trust for the use, benefit, or purposes of the Anglican Church of Australia in the Diocese of Melbourne.

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- 4 The Diocesan Trusts Corporation, to the extent that the Corporation 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 section, shall insure against liability for death or injury to persons and loss or damage occurring in connection with the ownership, management, control or use of Diocesan trust property Provided that the Corporation may by notice in writing inform any Board that such insurance shall not be effected by the Corporation on diocesan trust property of the Board and in that case the Board shall effect the Insurance on that property.
- 5 The Diocesan Trusts Corporation, to the extent that the Corporation 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 section, shall insure all improvements erected on Diocesan trust property together with any contents being Diocesan trust property Provided that the Corporation may by notice in writing inform any Board that such insurance shall not be effected by the Corporation on Diocesan trust property of the Board and in that case the Board shall effect the insurance on that property.
- 6 The Archbishop in Council is authorised to enter an arrangement or arrangements whether through the Diocesan Trusts Corporation or through any other trustee or agent whereby
 - (a) the risks against which this Act stipulates that insurance shall be effected, and
 - (b) risks of a like kind to which the property real or personal of any other Diocese of the Anglican Church of Australia in the Province of Victoria is or may be subject or which may occur in connection with the ownership,

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management, control or use of such property of any such Diocese are insured and to the extent that any such arrangement is effected the requirements of this Act shall be satisfied.

- 7 The Archbishop in Council may effect any other insurance it deems expedient for the Diocese of Melbourne as a whole including any insurance which churchwardens, but for this Act, would be required to or may effect.
- 8 Where any insurance is effected pursuant to this Act the Archbishop in Council may determine the part or proportion of the premium in respect of such insurance which may equitably be recovered from any Board which, apart from this Act, would have been required whether in law or in conscience to effect like insurance and upon the Archbishop in Council giving notice of any such determination to such a Board it shall be the obligation of the Board to pay that amount to the Diocesan Trusts Corporation or other body which effected the insurance.
- 9 Where any sum is recovered from an insurer under any policy of insurance effected under this Act the Archbishop in Council shall determine the persons or bodies to which and the manner in which those proceeds shall be distributed, paying due regard to the sources of the funds from which the premiums for that insurance were derived.

(Passed 30th September. 1986 — Assented to 1st October. 1986)

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NOTES

¹ This reprint incorporates the amendments made to the Diocese of Melbourne Insurance Act 1986 by the following Acts:

Name of Act	Number	Date of assent	Date of commencement
<i>Interpretation of Diocesan Legislation Act 2016</i>	1/2016	15 December 2016	15 December 2016
<i>Diocesan Acts (Revisions and Repeals) Act 2016</i>	5/2016	15 December 2016	16 December 2016