

# Anglican Church Growth Corporation and Mission Property Amendment Ordinance 2021

No 52, 2021

## Long Title

An Ordinance to amend the *Anglican Church Growth Corporation Ordinance 2018* and the *Mission Property Ordinance 2002*.

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

### 1. Name of ordinance

This Ordinance is the Anglican Church Growth Corporation and Mission Property Amendment Ordinance 2021.

### 2. Amendments to the Anglican Church Growth Corporation Ordinance 2018

The *Anglican Church Growth Corporation Ordinance 2018* is amended as follows –

- (a) in subclause 3(1) –
  - (i) delete the definitions for the “Mission Property Committee” and the “Property Trust”, and
  - (ii) insert the following definition –
    - “Responsible Person” means an individual who –
      - (a) performs a significant public function,
      - (b) is a member of a professional body having a code of ethics or rules of conduct,
      - (c) is officially charged with spiritual functions by a religious institution,
      - (d) is a director of a company whose shares are listed on the Australian Securities Exchange,
      - (e) has received formal recognition from government for services to the community,
      - (f) is an individual before whom a statutory declaration may be made, or
      - (g) is approved as a Responsible Person by the Commissioner of Taxation.’,
- (b) in subclause 5(1) –
  - (i) delete paragraphs (a), (c) and (d) (and consequentially reletter the remaining paragraphs),
  - (ii) delete the words “at least three and no more than five” in the relettered paragraph (b) and insert instead the words “at least five and no more than seven”, and
  - (iii) delete the word “three” in paragraph (c) and insert instead the word “four”,
- (c) delete the matter “5(1)(e)” in subclause 5(2) and insert instead the matter “5(1)(a)”,
- (d) insert a new subclause 5(3) as follows (and consequentially renumber the remaining clauses) –
  - ‘(3) If the members of the Corporation are the ex officio directors of a company that is trustee of a public ancillary fund or endorsed to operate a deductible gift recipient fund, a majority of the members appointed under clause 5(1) must be Responsible Persons.’,
- (e) delete the whole of the renumbered subclause 5(7),
- (f) delete the whole of subclause 6(1) and insert instead the following –
  - ‘(1) At the first meeting of the Standing Committee next following each ordinary session of each Synod each person who is a member appointed by the Archbishop is to retire from office if three years will otherwise elapse since they were last elected as a member by the Standing Committee.’,

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- (g) delete the whole of subclauses 7(2) and (3) and insert instead the following –
  - ‘(2) A person who is a member elected by the Standing Committee also ceases to be a member if the Standing Committee so resolves. A person who is a member appointed by the Archbishop ceases to be a member if the Archbishop so determines. The Standing Committee and the Archbishop are not required to give reasons.’,
- (h) delete the whole of subclause 8(3) and consequentially renumber the remaining subclause,
- (i) delete whole of subclause 16(1) and insert instead the following –
  - ‘(1) Subject to the terms of this Ordinance, the functions of the Corporation are to –
    - (a) act as trustee of the Mission Property Fund, and
    - (b) develop strategy and policy, provide advice and assist in the provision of resources for ministry growth initiatives involving the acquisition or development of real property or the proposed acquisition or development of real property (“property initiatives”) in greenfield and existing urban areas including by –
      - (i) setting and reviewing strategy and policies,
      - (ii) promoting and enabling strategic cooperation between the Corporation, NCNC, and Evangelism and New Churches in relation to property initiatives,
      - (iii) facilitating communication about potential property initiatives among those organisations, relevant parishes and the relevant Regional Bishop, and other diocesan organisations, providing an early point of reference for parishes seeking to pursue property initiatives,
      - (iv) providing advice to parishes in respect to strategy and fundraising related to property initiatives,
      - (v) coordinating the provision of people, property and financial resources in relation to property initiatives,
      - (vi) facilitating constructive relationships between all involved in a particular property initiative,
      - (vii) such other activities as the Corporation may from time to time determine to facilitate property initiatives, and
      - (viii) such other things as are incidental and conducive to the attainment of these functions.’,
- (j) in subclause 17(2) delete the matter –
  - ‘(including without limitation by setting and reviewing strategy and policies for the Mission Property Committee which impacts such property)’,
- (k) delete the whole of subclause 17(3) and consequentially renumber the remaining subclause,
- (l) in subclause 17A(7)(a) delete the matter –
  - ‘except to the extent necessary to comply with a direction given under clause 12(3) of the *Mission Property Ordinance 2002* as modified by subclause (8)’,
- (m) delete the whole of subclause 17A(8),
- (n) insert a new clause 18 as follows (and consequentially renumber the remaining clauses) –

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### **‘18. Delegation**

- (1) The Corporation may delegate any of its powers (other than approving the affixing of the common seal of the Corporation) to a committee or committees and such other persons, as the Corporation thinks fit.
  - (2) A committee or person to which any powers have been delegated under this clause must exercise those powers in accordance with any directions or protocols of the Corporation. A power so exercised is taken to have been exercised by the Corporation.’
- (o) delete the whole of the renumbered subclause 23(a) and insert a new subclause as follows –
    - ‘(a) provide to the Standing Committee a copy of any strategies or policies developed under the function in clause 16(1)(b) in respect of the acquisition or development of real property or the proposed acquisition or development of real property,’
  - (p) in renumbered subclause 24(2) delete the matter “26(1)” and insert instead the matter “24(1)”, and
  - (q) delete the whole of renumbered clause “26. Review of Ordinance”.

### **3. Amendments to the Mission Property Ordinance 2002**

The *Mission Property Ordinance 2002* is amended as follows –

- (a) delete the words “and a Mission Property Committee” in the Long Title,
- (b) delete the matter “5” and insert instead the matter “3” in the definition of “Mission Property Fund” in clause 2,
- (c) delete clauses 3 and 4 and consequently renumber the remaining clauses as whole numbers,
- (d) in renumbered subclause 3(d) –
  - (i) delete the words “Property Trust” and insert instead the words “ Corporation”, and
  - (ii) delete the matter “clause 9B(b)” and insert instead the matter “clause 9(b)”,
- (e) in renumbered clause 4 delete the matter ‘(the “Diocese”)’,
- (f) in renumbered subclause 5(1) delete the matter “clause 5C” and insert instead the matter “clause 6”,
- (g) in renumbered subclause 6(1) delete the matter “clause 5B” and insert instead the matter “clause 5(1)”,
- (h) delete the whole of renumbered subclause 6(3),
- (i) delete the whole of “Part 3 – Mission Property Committee” and consequentially renumber the remaining Parts and clauses,
- (j) delete the whole of renumbered clause 7, and insert instead the following –

#### **‘7. The functions of the Corporation as trustee**

- (1) The functions of the Corporation as trustee of the Mission Property Fund are –
  - (a) to implement the completion of projects in accordance with the statement of priority last made under clause 6(2), and
  - (b) to manage the Mission Property Fund in a manner which is consistent with implementing the completion of projects under paragraph (a), and
  - (c) to provide advice and support to parochial units which seek to –
    - (i) acquire land, or
    - (ii) sell or otherwise realise land, or
    - (iii) construct or renovate buildings, or
    - (iv) develop land, and

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- (v) rationalise or better utilise their land, and
      - (d) to exercise such other incidental functions as the Corporation determines from time to time by resolution.
    - (2) The Corporation has such powers as are reasonably necessary to enable it to perform its functions as trustee of the Mission Property Fund.’,
  - (l) delete the whole of renumbered clause 8 and insert instead the following –
    - ‘8. Implementing the completion of projects**
    - (1) The Corporation may from time to time –
      - (a) acquire land in the Diocese from the personal property of the Mission Property Fund or funds provided by the NCNC or through the Corporation, or
      - (b) subdivide and develop Specified Property, or
      - (c) construct or renovate ministry buildings on Specified Property, or
      - (d) grant security over all or part of the Specified Property and any property held on a trust for the purposes of the Diocese for the financial obligations of any person or corporation in connection with a subdivision, development, construction or renovation referred to in paragraphs (b) and(c), or
      - (e) sell or otherwise realise all or part of the Specified Property, or
      - (f) pay or transfer personal property forming part of the Mission Property Fund to another fund or person or corporation for any of the purposes specified in paragraphs (a) to (c), or
      - (g) lease or license all or part of the Specified Property.
    - (2) For the purposes of implementing a project involving land held on trust for the purposes of a parochial unit or a diocesan organisation, the Corporation is not to exercise any power under subclause (1) (except subclause (1)(f)) without the written consent of a majority of the members of the parish council of the parochial unit or the consent of the council of the diocesan organisation given by resolution as the case may be.
    - (3) If the Corporation gives a direction under subclause (1)(f), it may require such fund or person or organisation to whom the payment or transfer is made to provide regular reports to the Corporation about –
      - (a) the progress in completing the project and the anticipated timeframe within which the project will be completed, and
      - (b) any contractual arrangements entered into for the completion of the project,and the other fund or organisation is under an obligation to provide such reports.’,
  - (m) delete the whole of renumbered clause 9 and insert instead the following –
    - ‘9. Management of the Fund**
    - For the purposes of managing the property of the Mission Property Fund under clause 7(1)(b), the Corporation may from time to time –
      - (a) subdivide and develop land which forms part of the Mission Property Fund, or
      - (b) borrow on the security of any property forming part of the Mission Property Fund for the purposes of or incidental to the purposes of the Fund, or

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- (c) grant security over any property of the Mission Property Fund for the financial obligations of any person or corporation in connection with the subdivision and development of land forming part of the Mission Property Fund, or
- (d) sell or otherwise realise all or part of the land or other property of the Mission Property Fund.’,
- (n) in renumbered clause 10 –
  - (i) delete the words “Mission Property Committee” and insert instead the word “Corporation”,
  - (ii) after the word ”person” insert the matter “, committee or other”, and
  - (iii) delete the word “Secretariat” and insert instead the word “Services”,
- (o) in renumbered clause 11 delete the matter “Mission Property Committee” and insert instead the word “Corporation”,
- (p) in renumbered Part 3 delete the words “Role of the Property Trust” in the heading and insert instead the word “Trustee”,
- (q) in renumbered clause 12 delete the matter “Property Trust” and insert instead the word “Corporation”,
- (r) delete the whole of renumbered clause 13, and insert instead the following –
 

**’13. Trustee Expenses**

  - (1) The Corporation may apply any personal property forming part of the Mission Property in or toward the following –
    - (a) any rates, taxes or other outgoings or expenses incurred in connection with any real property forming part of the Mission Property Fund or interest payable on moneys borrowed pursuant to a direction given under clause 9(b); and
    - (b) the costs of repairing and maintaining any property which forms part of the Mission Property Fund, and
    - (c) the reasonable costs and expenses incurred by the Corporation in performing its functions under this Ordinance.
  - (2) Pending the application of the property of the Mission Property Fund, the Corporation is to invest the property in any mode of investment in which the Corporation is authorised to make.’, and
- (s) in renumbered clause 14 delete the matter “Property Trust” and insert instead the word “Corporation”.

### 4. Transitional

- (1) Notwithstanding the amendments to clause 5(1) of the Anglican Church Growth Corporation Ordinance 2018 made by this Ordinance, the following persons are deemed to continue to hold office as members of the Board as follows –

Name	Clause under which appointed/elected	Date of first election/appointment	Date of last election/appointment
Mr Trevor Ratcliff	5(1)(a)	5 November 2018	11 October 2021
Mr Peter Janssen OAM	5(1)(b)	25 May 2019	25 May 2021
Ms Maureen Peatman	5(1)(a)	5 November 2018	2 August 2021

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- (2) The Anglican Church Property Trust Diocese of Sydney is responsible for –
- (a) complying with the obligations set out in the *Accounts, Audits and Annual Reports Ordinance 1995*, including the preparation of annual accounts and auditing, and
  - (b) ensuring lodgement of the annual information statement with the Australian Charities and Not-for-profits Commission,

after the commencement of this Ordinance in so far as those obligations are in respect to the Mission Property Fund for the 12 month period to 31 December 2021.

### **5. Commencement**

- (1) This clause 5 commences on the day of assent.
- (2) The remaining clauses of this Ordinance commence on a date certified by the Archbishop on advice from the Chief Executive Officer of the Anglican Church Growth Corporation.

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

R TONG  
Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 6 December 2021.

B BOUNDS  
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL  
Archbishop of Sydney

6/12/2021