

# Anglican Church Growth Corporation Ordinance 2018 Amendment Ordinance 2023

No 16, 2023

## Long Title

An Ordinance to amend the Anglican Church Growth Corporation Ordinance 2018.

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 Ordinance 2018 Amendment Ordinance 2023.

### 2. Amendment

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

- (a) insert the at the end of the definition of “member” in clause 3(1) before the full stop the matter “, except in clause 17B where it means a member or former member of the Anglican Church Property Trust Diocese of Sydney”,
- (b) in subclause 17A(1) –
  - (i) substitute the opening words “In this clause” with the matter “In clauses 17A and 17B”,
  - (ii) insert the word “collaborative” before each instance of the words “property initiative” and “property initiatives”,
  - (iii) insert the following new definitions in alphabetical order –

“ACPT” means the Anglican Church Property Trust Diocese of Sydney.  
“direction” means a direction given by the Corporation to the ACPT under subclause 17B(1),
  - (iv) insert the words “the subject of a collaboration agreement and is” before the word “undertaken” in the definition for “collaborative property initiative”,
  - (v) in the definition “costs” substitute the words “Property Trust” with the matter “ACPT”, and
  - (vi) in the definition “development partner” delete the word “Growth”,
- (c) in subclause 17A(2)(b) insert the words “with the development partner” after the words “any agreement”,
- (d) delete subclause 17A(7), and
- (e) insert a new clause 17B as follows -

#### **“17B. Role of the ACPT in relation to collaborative property initiatives**

- (1) The Corporation may, from time to time, give the ACPT directions in relation to collaborative property initiatives, unless the real property the subject of the collaborative property initiative has been excluded by the Standing Committee by resolution for the purposes of this clause.
- (2) A direction which may be given by the Corporation includes (but is not limited to) a direction –
  - (a) for the acquisition of other real property,
  - (b) for the subdivision and development of real property,
  - (c) for the construction, improvement or renovation of buildings,
  - (d) to grant security over all or part of real property,
  - (e) for the sale or other realisation of real property,
  - (f) to lease or license all or part of the real property, and
  - (g) to undertake any other action necessary or expedient for, or incidental to, a collaborative property initiative.
- (3) The ACPT has all powers as are necessary to enable it to carry out a direction.

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- (4) The ACPT is to comply with a direction unless compliance with the direction will cause the ACPT to be in breach of trust, contract or any other legal requirement to which the ACPT is subject.
- (5) If the ACPT fails to comply with a direction made by the Corporation it must immediately notify in writing its failure and its reasons for the failure to the Corporation and the Standing Committee.
- (6) For the avoidance of doubt –
  - (a) the ACPT bears no responsibility for a collaborative property initiative (except for complying with a direction), and
  - (b) a diocesan entity, including the parish, has no recourse to the ACPT to meet any loss suffered or claim made in relation to a collaborative property initiative.
- (7) To the extent permitted by law, the Corporation indemnifies and is to keep indemnified the ACPT and each person who is or has been a member of the ACPT, against any damages, costs or other liabilities (a 'Liability') arising from a collaborative property initiative, except to the extent that indemnity for the Liability is provided by the development partner or under a contract of insurance.
- (8) If the Corporation does not have sufficient funds to provide the full indemnity for a Liability under clause 17B(7), the indemnity is, to that extent, to be met by the Standing Committee from funds under the control of the Synod."

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 19 June 2023.

B BOUNDS  
Secretary

I Assent to this Ordinance.

P HAYWARD  
Commissary

20/06/2023