

Mission Property Fund Ordinance 2002 Amendment Ordinance 2022

(Reprinted under the *Interpretation Ordinance 1985*.)

The Mission Property Fund Ordinance 2002 Amendment Ordinance 2022 as amended by the Mission Property Fund Ordinance 2002 Further Amendment Ordinance 2022.

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Long Title

An Ordinance to reconstitute the Mission Property Fund as the Ministry Infrastructure Development Fund and for related matters.

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

1. Name of Ordinance

This Ordinance is the Mission Property Fund Ordinance 2002 Amendment Ordinance 2022.

2. Amendments to the Mission Property Ordinance 2002

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

- (a) italicise all ordinance citations where they appear,
- (b) the title is changed to “Ministry Infrastructure Development Fund Ordinance 2022”,
- (c) in the Long Title delete the words “provide for the creation of” and insert instead the word “constitute”,
- (d) substitute the words “Ministry Infrastructure Development Fund” for the words “Mission Property Fund” where they appear in the Long Title, clause 2 and the heading for Part 2,
- (e) substitute the matter “MIDF” for the words “Mission Property Fund” where they appear throughout the ordinance, except in the long title and clause 2 and the heading for Part 2,
- (f) in clause 1 delete the matter “Mission Property Ordinance 2022” and insert instead “Ministry Infrastructure Development Fund Ordinance 2022”,
- (g) in clause 2(1) in the definition of ‘Ministry Infrastructure Development Fund’ (formerly Mission Property Fund) substitute the matter ‘or “Fund”’ with ‘, “Fund” or “MIDF”’,
- (h) in clause 2(1) substitute paragraph (b) of the definition of “Specified Property” with the following –
 - “(b) real property forming part of the Urban Renewal Development Program, and”,
- (i) in clause 2(1) insert the following new definitions so they appear in the list of definitions in alphabetical order -

“Church Land Acquisition Levy” means the levy of that name payable by parochial units under an ordinance of the Synod.

“Existing Property” means –

- (a) the real property listed in the Schedule,
- (b) the personal property which, at the date of commencement of the *Mission Property Fund 2002 Amendment Ordinance 2022* is comprised in –
 - (i) ACPT Client Fund 0380, being the personal property of the Mission Property Fund (including any accumulated or undistributed income (whether or not capitalised) derived from such property), and
 - (ii) that part of SDS Client Fund 951 comprising the accumulated proceeds of the Property Receipts Levy (including any accumulated or undistributed income derived from on those proceeds).

“growth areas” means areas in the Diocese which are experiencing or are likely to experience a rapid increase in population.

“Property Receipts Levy” means the levy of that name payable by parochial units under the *Property Receipts Levy Ordinance 2018*.

“Urban Renewal Development Program” means the program of acquisition or development of real property with the consent of the Regional Bishop and a majority of the members of the parish council of parochial units, or the councils of diocesan organisations, as the case may be, under clause 17(2) of the *Anglican Church Growth Corporation Ordinance 2018*.

- (j) substitute the existing clause 3 with the following –

‘3. Constitution of the Fund

The MIDF consists of –

- (a) the Existing Property,
- (b) the proceeds of the Church Land Acquisitions Levy,
- (c) the proceeds of the Property Receipts Levy,
- (d) receipts from the Urban Renewal Development Program,
- (e) all other property from time to time received as an addition to the Fund or which is derived or realised from the property of the Fund, and
- (f) all property from time to time borrowed by the Corporation pursuant to a direction under clause 9(3)(b).’

- (k) substitute the existing subclause 5(1) with the following -

“(1) The personal property comprising the MIDF is to be applied as follows –

- (a) that part comprising proceeds of the Church Land Acquisitions Levy (including any such proceeds comprising Existing Property and any income on the investment of any proceeds) is to be applied towards the costs of and incidental the acquisition of land for church sites in growth areas and the repayment of loans for such acquisitions,
- (b) the remaining part is to be applied for any of the following purposes –
 - (i) the purposes set out in subclause 5(1)(a),

- (ii) the costs of and incidental to the development of church sites and the construction of ministry buildings in growth areas,
- (iii) urban renewal projects that the Corporation determines as having high ministry and evangelism strategic value,
- (iv) the operational expenses of the Corporation, provided that any amount to be applied for this purpose from the proceeds of the Property Receipts Levy is approved by the Standing Committee by resolution and does not exceed \$750,000 per annum, and
- (v) special projects determined by the Corporation for the purpose of advancing mission in the Diocese, including but not limited to –
 - (A) marginal urban renewal projects with high ministry/ evangelism value,
 - (B) small parish projects with high ministry/evangelism value,
 - (C) assistance for the provision of church planters, and
 - (D) strategic consultancies for progressing the implementation of Corporation strategies.”,
- (l) delete the matter “clause 5(1)” in subclause 6(1) and insert instead the matter “subclauses 5(1)(a), (c)(ii) and (c)(iii)”,
- (m) substitute paragraphs (a) and (b) of subclause 7(1) with the following
 - “(a) to apply the MIDF in accordance with clauses 5 and 6, including by implementing the completion of projects in accordance with the statement of priority last made under clause 6(2),
 - (b) to manage the property of the MIDF in a manner which is consistent with the purposes for which the MIDF is to be applied,”
- (n) delete paragraph 8(1)(a) (and consequentially reletter the remaining paragraphs),
- (o) in the renumbered paragraph 8(1)(c) delete the matter “(b) and (c)” and insert instead the matter “(a) and (b)”,
- (p) in the renumbered paragraph 8(1)(e) delete the matter “for any of the purposes specified in paragraphs (a) to (c)” and insert instead the words “in performing its functions as trustee of the MIDF”,
- (q) in subclauses 8(1) and (2) substitute the matter “(f)” where it appears with the matter “(e)”,
- (r) number the existing text in clause 9 as subclause (3) and insert new subclauses (1) and (2) as follows -
 - “(1) Pending its application, the Corporation is to invest the property of the MIDF in –
 - (a) a manner that is consistent with the purposes for which the MIDF is to be applied, and
 - (b) any mode of investment in which the Corporation is authorised to make.
 - (2) For the purposes of managing the property of the MIDF, the Corporation may from time to time borrow on the security of –
 - (a) any property forming part of the MIDF for the purposes of or incidental to the purposes of the Fund, and

- (b) the anticipated future proceeds of the Church Land Acquisition Levy and Property Receipts Levy that will be payable to the MIDF.”,
- (s) delete the matter “under clause 7(1)(c)” and paragraph (b) in the renumbered subclause 9(3) (and consequential reletter the remaining paragraphs in subclause 9(3)),
- (t) delete the matter “the Sydney Diocesan Secretariat, the Sydney Diocesan Services” in clause 10 and insert instead the matter “Sydney Diocesan Services, Sydney Diocesan Services”,
- (u) delete the word “The” at the beginning of clause 13 and insert instead the matter –
“Notwithstanding subclause 5(1), the”,
- (v) delete the following rows in the Schedule –

Real Property being part of the New Sites Property	
13 Gibson Crescent, Sanctuary Point	Lot 2754 in Deposited Plan 235301
500 Bringelly Road, Austral	Lot 5 in DP1203674
Stanhope Parkway, Kellyville Ridge	Lot 701 in DP1157579
33 Hamilton Street Riverstone	A 54% interest in Lots 111, 113, 114, 124, 125, 126 in DP1224241
12 Fingleton Close, Rouse Hill	Lot 221 in DP876409

- (w) insert the following additional rows at the end of the Schedule -

Stanhope Parkway, Stanhope Gardens	Lots 1 & 2 in Deposited Plan 1256712
33 Hamilton Street Riverstone and 29 Loane Avenue Riverstone	A 75.6% interest in Lot 126 in Deposited Plan 1224241 A 54% interest in Lot 111 in Deposited Plan 1224241
Corner Wool Road and Naval College Roads, Worring Heights	Lot 2 in a proposed plan of subdivision of lots 11 and 12 in DP 1280272
25 Penstock Street, Leppington	Lot 2164 in DP1193712

2. Other Amendments

- (1) In any ordinance (other than this ordinance) a reference to –
- (a) the “Mission Property Fund” is deemed to be a reference to the “Ministry Infrastructure Development Fund”, and
- (b) the “Mission Property Ordinance 2002” is deemed to be a reference to the “Ministry Infrastructure Development Fund Ordinance 2022”.

Note: The Diocesan Secretary may reprint any such ordinance to substitute the references under clause 10 of the Interpretation Ordinance 1985.

- (2) The *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2021* is amended by deleting the matter “5C” in the definition of “church land acquisition projects” in clause 2 and inserting instead the number “6”.

3. Commencement

- (1) This clause 3 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.

Notes

1. The original form of ordinance was assented to on 25 July 2022.

Table of Amendments

Clause 2 Amended by Ordinance No 30, 2022.

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Diocesan Secretary

26 August 2022