

# Licence Agreement for the Use of an Anglican Hall or Rooms (excluding Church Buildings) as a Polling Place

## Notice to Wardens

(NB: This "Notice to Wardens" page does not comprise part of the Polling Place Licence Agreement)

1. Rule 3.12 of Schedule 1 and Rule 3.11 of Schedule 2 (the "Rules") to the [Parish Administration Ordinance 2008](#) ("PAO") gives Wardens a limited power to enter into licence agreements (not leases) as principals rather than as agents of the Anglican Church Property Trust Diocese of Sydney ("ACPT"). The limits which apply to the Wardens power to licence are -
  - (a) The use of the property by the licensee is not –
    - (i) prohibited by law or by the trusts on which the property is held;
    - (ii) for the purposes of a pre-school, kindergarten, child care centre, long day care centre or like service;
  - (b) The terms upon which the licensee is to be permitted to use the property must be documented in a form last approved by the ACPT;
  - (c) The period during which the licensee is permitted to use the property must not exceed 5 years;
  - (d) The amount payable by or on behalf of the licensee for the licence must be not more than \$50,000 per annum, or such other amount as may be determined by the Standing Committee by resolution from time to time;
  - (e) The granting of the licence must be approved in writing by the archdeacon (or bishop) of the region in which the church is situated, and the majority of the parish council of the parish.
2. **The Licence Agreement for the use of an Anglican Hall or Rooms (excluding Church Buildings) as a Polling Place** has been approved by the ACPT as suitable for use by Wardens. Wardens should always ensure that the most recent form of licence agreement is used by checking the diocesan web site [www.sydney.anglican.asn.au](http://www.sydney.anglican.asn.au) ("For Wardens and Parish Councillors" → "Property" → "Leasing and Licensing of Church Property").
3. The form of agreement will cease to be in an approved form if the Wardens make any amendment to the agreement (other than the completion of the necessary details in the schedule to the agreement) which has not been specifically authorised by the ACPT. As a general policy the ACPT will not agree to amendments which have the effect of reducing the insurance requirements and the application of the social covenants. If the Wardens intend to use the approved form of licence without amendment, the agreement does not have to be submitted to the ACPT for approval.
4. Before exercising the power to grant a licence under the Rules of the [PAO](#), the Wardens should -
  - (a) Consider whether additional provisions should be included in the agreement to meet the specific requirements of the licence and / or to further protect the interests of the wardens as licensor (noting that proposed additional provisions should be discussed with the ACPT); and
  - (b) Ensure that the power is exercised subject to the provisions of Rule 3.20 of Schedule 1 (and Rule 3.19 of Schedule 2) of the [Parish Administration Ordinance 2008](#) relating to the minister's rights to access and use church or parish property; and
  - (c) Ensure compliance with the matters referred to in paragraphs 1(a), (c), (d) and (e) above (for more details see [Leasing and Licensing Church Trust Property - User Guide for Parishes](#)).
5. If the Wardens choose to enter into a licence agreement using their powers under the [PAO](#) Rules, the legal obligations will be assumed of the licensor under the agreement. Parts of those obligations include ensuring that GST is paid on the agreement as necessary.
6. Please note that pursuant to clause "2" of the Polling Place Licence Agreement, the electoral organisation is required to pay the licence fee before the date of hire. Therefore, Wardens should issue a tax invoice when the licence agreement is signed and specifically draw to the attention of the electoral organisation that payment is required before the date of hire.