

# Ministry Infrastructure Development Fund Ordinance 2022

(Reprinted under the Interpretation Ordinance 1985.)

The Mission Property Ordinance 2002 as amended by the Mission Property (Appropriation and Amendment) Ordinance 2007, the Cranebrook Variation of Trusts Ordinance 2007, the Mission Property Amendment Ordinance 2007, the Mission Property Ordinance 2002 Amendment Ordinance 2010, the Kellyville Variation of Trusts Ordinance 2010, the Mission Property Ordinance 2002 Amendment Ordinance 2013, the Rouse Hill Trust Ordinance 2013, the Anglican Church Property Trust Diocese of Sydney (Financial Reporting) Amendment Ordinance 2014, the Glenmore Park Trust Ordinance 2015, the Mission Property Ordinance 2002 Amendment Ordinance 2018, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2020, the Anglican Church Growth Corporation (Pilot Program) Amendment Ordinance 2021, the Anglican Church Growth Corporation and Mission Property Amendment Ordinance 2021, and the Mission Property Fund Ordinance 2002 Amendment Ordinance 2022.

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## Long Title

An Ordinance to constitute a Ministry Infrastructure Development Fund and for related matters.

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

## Part 1 – Preliminary

### 1. Name

This Ordinance is the *Ministry Infrastructure Development Fund Ordinance 2022*.

### 2. Definitions

- (1) In this Ordinance, unless the context otherwise requires –  
“Archbishop” means the Archbishop of Sydney or, in his absence, his commissary or, if the See is vacant, the Administrator of the Diocese.

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

"Corporation" means the body constituted pursuant to the *Anglican Church Growth Corporation Ordinance 2018*.

"diocesan organisation" means an organisation constituted by an ordinance or resolution of the Synod or the Standing Committee.

"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.

"land" includes buildings.

"ministry building" means a building or improvement used or intended to be used, in whole or in part, for any of the following purposes –

- (a) a church, or
- (b) a meeting hall or room, or
- (c) an office, or
- (d) a residence for use by a minister, assistant minister or other person involved in full time ministry, or
- (e) a building used for or in connection with theological education, or
- (f) such other purpose which is incidental to a purpose specified in paragraph (a) to (e) inclusive.

"Ministry Infrastructure Development Fund", "Fund" or "MIDF" means the fund constituted by clause 3.

"NCNC" means NCNC Fund Limited (ACN 606 270 357)

"parochial unit" means a parish or provisional parish recognised under the *Parishes Ordinance 1979* and a recognised church or a provisional recognised church under the *Recognised Churches Ordinance 2000*.

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

"project" means any of the following –

- (a) the acquisition of land, or
- (b) the subdivision and development of land, or
- (c) the construction or renovation of ministry buildings, or
- (d) the repayment of a loan undertaken for the purposes of (a), (b) or (c).

"Specified Property" means –

- (a) real property which comprises part of the capital of the Ministry Infrastructure Development Fund or which is to be acquired as an addition to that capital, and
- (b) real property forming part of the Urban Renewal Development Program, and
- (c) any other real property which is, or is to be, acquired or developed, in whole or part, using funds provided by NCNC or through the exercise of the Corporation's functions.

“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*.

(2) In this Ordinance a reference to a trust for the purposes of the Diocese includes a trust for the purposes of a parochial unit or a diocesan organisation.

## Part 2 – Ministry Infrastructure Development Fund

### 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).

### 4. Trusts of the Fund

The MIDF is held on trust for the purposes of the Anglican Church of Australia in the Diocese of Sydney.

### 5. Application of the Fund

(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.

(2) Without limiting the generality of subclause (1), the application of personal property may be made –

- (a) by way of grant or loan, or
- (b) as part of a scheme to subsidise the raising of funds for a project, or

- (c) on the understanding that an amount applied toward a project be repaid once a financially viable ministry in connection with the project is established.

## **6. Priority of application**

- (1) The Corporation is to determine from time to time the priority in which the personal property comprising the MIDF is to be applied toward projects under subclauses 5(1)(a), (c)(ii) and (c)(iii).
- (2) Such priority is to be set out in a statement which is also to include –
  - (a) a brief description and the total anticipated cost of each prioritised project, and
  - (b) the total anticipated amount to be applied from the MIDF toward and the source or sources of any other funding for each prioritised project, and
  - (c) the manner in which the application of personal property from the MIDF is to be made to each prioritised project.

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

- (1) The functions of the Corporation as trustee of the MIDF are –
  - (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,
  - (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 ministry buildings, or
    - (iv) develop land, and
    - (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 MIDF.

## **8. Implementing the completion of projects**

- (1) The Corporation may from time to time –
  - (a) subdivide and develop Specified Property, or
  - (b) construct or renovate ministry buildings on Specified Property, or
  - (c) grant or facilitate security over all or part –
    - (i) the Specified Property, and
    - (ii) where authorised by Ordinance –
      - (A) any property held on a trust for the purposes of the Diocese, and
      - (B) any property held on trust for the purposes of a parish.
- for the financial obligations of any person or corporation in connection with an acquisition, subdivision, development, construction or renovation referred to in paragraphs (a), (a) and (b) or
- (d) sell or otherwise realise all or part of the Specified Property, or
- (e) pay or transfer personal property forming part of the MIDF to another fund or person or in performing its functions as trustee of the MIDF, or
- (f) 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)(e)) 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)(e), 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 person or organisation is under an obligation to provide such reports.

## **9. Management of the Fund**

(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.

(3) For the purposes of managing the property of the MIDF, the Corporation may from time to time –

- (a) subdivide and develop land which forms part of the MIDF, or
- (b) grant security over any property of the MIDF for the financial obligations of any person or corporation in connection with the subdivision and development of land forming part of the MIDF, or
- (c) sell or otherwise realise all or part of the land or other property of the MIDF.

## **10. Delegation of functions**

The Corporation may delegate to another person, committee or other body the performance of its functions under this Ordinance, provided that where such delegation is made to Sydney Diocesan Services, Sydney Diocesan Services may further delegate the exercise of such functions.

## **11. Appointment of consultants and advisors**

The Corporation is authorised to appoint consultants and advisors for the purposes of enabling it to perform its functions under this Ordinance. The cost of those consultants and advisors is to be paid from personal property comprising the MIDF to the extent the trusts of that property permit such application.

## **Part 3 – Trustee**

### **12. Trustee of the Fund**

The Corporation is the trustee of the MIDF.

### **13. Trustee Expenses**

(1) Notwithstanding subclause 5(1), the Corporation may apply any personal property forming part of the MIDF 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 MIDF 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 MIDF, 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 MIDF, the Corporation is to invest the property in any mode of investment in which the Corporation is authorised to make.

#### Part 4 – Miscellaneous

#### 14. Reporting

The Corporation, as trustee of the MIDF, is to comply with the *Accounts, Audits and Annual Reports Ordinance 1995*.

#### Schedule

| Real Property being part of the New Sites Property  |  |
|---|--|
| Description   | Title Reference  |
| 57 Moxham Street, Cranebrook  | Lot 332 in Deposited Plan 705900   |
| Cnr Hunter & Emmett Street, Callala Bay   | Lot 1271 in Deposited Plan 836301  |
| 5 Lintina Avenue, Tahmoor   | Lot 1 in Deposit Plan 584474   |
| Part Lot 100 Hyatts & Jersey Road, Oakhurst   | Lot 1001 in a proposed plan of subdivision of Lot 100 in Deposited Plan 845891 (excepting the improvements thereon and a 31.45% interest in the land held by the Anglican Schools Corporation) |
| Lots 25-26 Lintina Street, Tahmoor  | Lots 25 and 26 in Deposited Plan 246832  |
| 30 Heath Road, Leppington   | Lot 49 in DP8979   |
| 49-51 Excelsior Avenue, Marsden Park  | Lot 9 in DP1225976   |
| 162 Badgerys Creek Road, Bringelly  | Lot 31 in Section 3 of DP2650  |
| Holy Innocent's Rossmore Church, hall, rectory and cemetery, corner of Church Street and Rossmore Avenue West, Rossmore | Lots 1, 2, 3 and 4 in DP 117688  |
| 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<br>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  |

#### Notes

1. Amendments brought about by the *Mission Property Fund Ordinance 2002 Amendment Ordinance 2022* (No 21, 2022) and, consequently, the *Mission Property Fund Ordinance 2002 Further Amendment Ordinance 2002* (No 30, 2022) came into effect from 1 October 2022.

2. Clause 5(1)(b)(iv) was amended by the *Mission Property Fund Ordinance 2002 Further Amendment Ordinance 2022* by its amendment of the *Mission Property Fund Ordinance 2002 Amendment Ordinance 2022*.

### **Table of Amendments**

|            |   |
|------------|---|
| Preamble   | Amended by Ordinance No 8, 2007. Deleted by Ordinance 24, 2018.   |
| Title      | Amended by Ordinance No 21, 2022.   |
| Long Title | Amended by Ordinance No 21, 2022.   |
| Clause 1   | Amended by Ordinance No 21, 2022.   |
| Clause 2   | Amended by Ordinances Nos 8, 2007; 5, 2013, 24, 2018, and 21, 2022.   |
| Clause 3   | Amended by Ordinance Nos 8, 2007,24, 2018, and 21, 2022. Renumbered and amended by Ordinance No 52, 2021.   |
| Clause 4   | Inserted by Ordinance No 8, 2007. Renumbered and amended by Ordinance No 52, 2021.  |
| Clause 5   | Inserted by Ordinance No 8, 2007 and amended by Ordinances No 1, 2010,24, 2018, and 21, 2022. Renumbered and amended by Ordinance No 52, 2021.                |
| Clause 6   | Inserted by Ordinance No 8, 2007. Renumbered and amended by Ordinance No 52, 2021. Amended by No 21, 2022.  |
| Clause 7   | Amended by Ordinances Nos 8, 2007; 1, 2010,24, 2018, 21, 2022. Renumbered and amended by Ordinance No 52, 2021.   |
| Clause 8   | Inserted by Ordinance No 8, 2007 and amended by Ordinances No 1, 2010; 24, 2018 and 7, 2021. Renumbered and amended by Ordinance No 52, 2021 and No 21, 2022. |
| Clause 9   | Inserted by Ordinance No 8, 2007 and amended by Ordinance No 1, 2010. Renumbered and amended by Ordinance No 52, 2021 and No 21,2022.                         |
| Clause 10  | Inserted by Ordinance No 8, 2007. Renumbered and amended by Ordinance No 52, 2021. Amended by No 21, 2022.  |
| Clause 11  | Renumbered by Ordinance No 24, 2018. Renumbered and amended by Ordinance No 52, 2021.   |
| Clause 12  | Amended by Ordinance No 24, 2018. Renumbered and amended by Ordinance No 52, 2021.  |
| Clause 13  | Amended by Ordinance No 24, 2018 and No 21, 2022. Renumbered and amended by Ordinance No 52, 2021.  |
| Clause 14  | Amended by Ordinance Nos 8, 2007; 24, 2018, and 13, 2020. Renumbered and amended by Ordinance No 52, 2021.  |
| Schedule   | Amended by Ordinances Nos 22, 2007; 3, 2010; 6, 2013; 19, 2015,24, 2018, and 21, 2022   |

STEVE LUCAS  
**Senior Legal Counsel**

12 October 2022

BRIONY BOUNDS  
**Diocesan Secretary**