

## Policies of the Standing Committee

*Made in accordance with clause 6(5) of the Standing Committee Ordinance 1897.*

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*Current as at 4 April 2024*

# POLICIES

## 1. Church trust property

### 1.1 Property held for the sole benefit of a parish

1.1.1 Standing Committee, recognising the requirements under section 26(2) of the *Anglican Church of Australia Trust Property Act 1917* for passing ordinances authorising the sale or other dealing of property held for the sole benefit of a parish, has agreed as a matter of policy that –

- (a) it will not pass any ordinance which affects property held for the sole benefit of a parish without the consent of a majority of the parish council of the parish, and
- (b) if the text of such an ordinance is amended in committee, it will ask the Archbishop to withhold assent to the ordinance pending the consent of a majority of the parish council of the parish to the form of ordinance as passed,

unless there are exceptional circumstances which necessitate the variation of trusts of property to facilitate the creation of a new parish without the consent of the parish council of the parish for which the property is currently held.

*This policy was made by the Standing Committee on 25 March 2013 under clause 6(5) of the Standing Committee Ordinance 1897.*

### 1.2 Dealings with property from a ministry perspective

1.2.1 Standing Committee agreed as a matter of policy that provided a parish complies with the requirements of any policy of the Standing Committee in respect to property held for the parish, the Standing Committee will consider the opinion of those responsible for ministry within the parish, particularly the Rector, the Parish Council and the Regional Bishop or Archdeacon, in determining the wisdom of dealings with such property from a ministry perspective.

*This policy was made by the Standing Committee on 17 February 2014 under clause 6(5) of the Standing Committee Ordinance 1897.*

### 1.3 Master trusts

1.3.1 Standing Committee has agreed, as a matter of policy, to require parishes and organisations to put in place a suitable master trust ordinance before the Standing Committee will consider an ordinance to authorise a dealing with or variation of trusts in respect of any of its property held by the Property Trust or before the Standing Committee or the Finance Committee will consider passing a resolution under such an ordinance.

1.3.2 Where a parish seeks a master trust ordinance in the standard form, an “adequate statement of evidence” pursuant to subclause 11(e) of the *Ordinance Procedures Ordinance 1973* in relation to an application for a parish master trust ordinance need only include –

- (a) a statement as to why the parish is promoting the master trust,
- (b) a statement setting out the variable elements in the standard form ordinance, in relation to the capitalisation percentage (clause 7), review date (clause 8) and commencement date of the ordinance,
- (c) a statement confirming that the trust is in a standard form, or to the extent that there are minor departures from the standard form, a suitable explanation of any variations along with reasonable background information (such as parish finances and attendance for relevant years, if applicable) to allow the Standing Committee to make an informed decision,
- (d) a statement from the parish that they are not aware of any special or unusual circumstances in relation to parish property that have bearing on the operation of the master trust ordinance, and
- (e) if the ordinance will vary the current arrangements for the application of any personal property, an explanation of the variation.

*This policy was made by the Standing Committee on 12 November 2012 under clause 6(5) of the Standing Committee Ordinance 1897 and updated on 11 October 2021.*

## **1.4 Application of sale proceeds and property income**

1.4.1 Standing Committee has agreed as a matter of policy to the following principles for the purposes of considering provisions for the application of sale proceeds and property income –

- (a) sale proceeds should not be used to meet recurrent expenditure,
- (b) property income should first be used to meet property expenditure, including the maintenance of buildings and adequate provision for future capital expenditure on commercial property,
- (c) offertory income should be used to meet the stipend, allowances and benefits of the minister of the parish and, to the extent possible, other recurrent ministry expenditure of the parish,
- (d) the biblical principles of gospel partnership, manifested in generosity and sacrifice, should guide the thinking of both the parish and the Standing Committee.

*This policy was made by the Standing Committee on 27 May 2013 under clause 6(5) of the Standing Committee Ordinance 1897.*

## **1.5 Proposals for borrowing requiring a mortgage**

Standing Committee has adopted the following procedures in relation to the proposed mortgaging of parish property to secure a loan from an external lender for or on behalf of a parish.

- 1.5.1 Where a parish proposes to promote a Bill for an ordinance to authorise the granting of a mortgage to secure a loan for or on behalf of the parish it will, in addition to any other requirement of an Act, ordinance or regulation, give notice of the proposed loan to the Sydney Church of England Finance and Loans Board (the 'Board').
- 1.5.2 The Board is to review the proposal and prepare its comments about the ability of the parish to service the proposed loan.
- 1.5.3 The parish is to provide the Board with such information as the Board reasonably requires to undertake the review and prepare its comments.
- 1.5.4 The Board is to provide a copy of its comments to the parish and the Diocesan Secretary. Upon the promotion of the proposed mortgaging ordinance, those comments are to be

incorporated in the evidence provided by the parish and in the report of the ordinance reviewer or ordinance review panel.

- 1.5.5 The Board may charge the parish a fee for undertaking the review and preparing its comments. The fee is not to exceed \$500, or such other amount as is agreed by the Standing Committee from time to time.

*This policy was made by the Standing Committee on 28 July 2014 under clause 6(5) of the Standing Committee Ordinance 1897.*

## **1.6 Assessing the strategic mission value of retaining parish property**

Standing Committee has adopted the following procedures in relation to any proposed sale of parish property –

- 1.6.1 Upon resolving to sell or lease for a term exceeding 5 years (including options) any parish property, the parish council of the parish concerned is to promptly notify the relevant Regional Bishop of such resolution.
- 1.6.2 The Regional Bishop is to assess the strategic value of retaining the property for the purposes of the Diocesan Mission.
- 1.6.3 For proposals to sell parish property –
- (a) If the Regional Bishop considers that the retention of the property has no strategic value for the purposes of the Diocesan Mission, and the property has no church building or ministry centre situated upon it, the Regional Bishop is to forward a short report to this effect with reasons to the Secretary of the Standing Committee for inclusion in any report prepared for the Standing Committee concerning the sale of the property.
  - (b) If the Regional Bishop considers that the retention of the property has no strategic value for the purposes of the Diocesan Mission, but the property has a church building or ministry centre situated upon it, the Regional Bishop is to refer the matter to the Anglican Church Growth Corporation (**ACGC**) with a short report stating the reasons for his opinion.
  - (c) If the Regional Bishop considers that the retention of the property may have strategic value for the purposes of the Diocesan Mission, the Regional Bishop is to refer the matter to the ACGC with a short report stating the reasons for his opinion.
- 1.6.4 For proposals to lease parish property –
- (a) If the proposal is to lease parish property for a term (including options) exceeding 5 years but not exceeding 20 years, the Regional Bishop is to consider whether the retention of the property has strategic value for the purposes of the Diocesan Mission and is to forward a short report on the matter with reasons to the Secretary of the Standing Committee for inclusion in any report prepared for the Standing Committee concerning the lease of the property.
  - (b) If the proposal is to lease parish property for a term (including options) exceeding 20 years, the Regional Bishop is to refer the matter to the ACGC for its consideration.
- 1.6.5 (1) If the parish council of a parish proposes to seek an ordinance to authorise –
- (a) the sale of Parish Property held for the benefit of the Parish; or
  - (b) the grant of one or more leases of the whole or any part or parts of such property for terms (including options) exceeding 20 years,
- the parish council may notify the ACGC of such proposal.
- (2) The parish council must inform the Regional Bishop of its region that it has given such notification.

- (3) The Regional Bishop may provide the ACGC with such information about the property that he may consider relevant but the ACGC may proceed notwithstanding that it has not received any such information.
  - (4) The ACGC may call upon the parish council to provide it with such information as it may require in relation to the property.
- 1.6.6 Where a matter has been referred to the ACGC under paragraph 1.6.3(b), 1.6.3(c), 1.6.4(b) or 1.6.5, the ACGC is to recommend whether the retention of the property has strategic value for the purposes of the Diocesan Mission. Such recommendation and the reasons for the recommendation are to be forwarded to –
- (a) the Secretary of the Standing Committee for inclusion in any report prepared for the Standing Committee concerning the sale or lease of the property, and
  - (b) the Regional Bishop, and
  - (c) the parish council of the parish concerned.
- 1.6.7 In assessing the strategic value of retaining property for the purposes of the Diocesan Mission, the ACGC is to have regard to the following –
- (a) any strategic recommendations that have been made previously by the ACGC in relation to the locality of the property,
  - (b) the most recent population data and projections for the parish catchment,
  - (c) the existing and likely future population catchment,
  - (d) whether the property is contiguous with other church property and the potential for any disposal of property impacting on the long-term potential for growth in ministry,
  - (e) other diocesan land-holdings in the vicinity, whether in the parish or adjoining parishes,
  - (f) the strategic nature of the property location (centrality in relation to population, visibility, community profile, travel habits of population),
  - (g) accessibility to the property (vehicular access from all directions to major road network, car parking),
  - (h) suitability and impact of adjoining property uses,
  - (i) land size and whether the ability of the church to expand and provide reasonable flexibility for ministry strategies which might be adopted in the future will be impeded,
  - (j) zoning development controls that are suitable,
  - (k) site constraints including heritage, environmental and developmental, and
  - (l) the strategic value of any alternative use proposed by the parish council of the parish concerned for the capital or income from the proceeds of sale.
- 1.6.8 In these procedures, a reference to a Regional Bishop includes the Regional Bishop's delegate.

*This policy was made by the Standing Committee on 28 July 2003 and updated on 25 June 2007, 17 February 2014, 13 February 2017, 18 March 2019, 26 August 2019 and 18 November 2019, under clause 6(5) of the Standing Committee Ordinance 1897.*

## **1.7 Relying on the prospect of a future subdivision**

- 1.7.1 Standing Committee agreed as a matter of policy that it will not pass any ordinance to authorise a property transaction between a diocesan organisation and a parish where that transaction relies upon the prospect of a future subdivision rather than a subdivision that has been enacted, unless there are exceptional circumstances which necessitate such an ordinance.

*This policy was made by the Standing Committee on 27 June 2022 under clause 6(5) of the Standing Committee Ordinance 1897.*

## 1.8 Variations of Trusts after Parish Amalgamation

- 1.8.1 An amalgamation of parishes occurs by means of a resolution for amalgamation passed under clause 10(1) of the *Parishes Ordinance* 1979 by a Regional Council (acting on behalf of the Standing Committee). For this to occur, the minister and parish councils of the parishes involved must give approval for the amalgamation.
- 1.8.2 An amalgamation changes parish boundaries, but it does not alter the trusts on which the church trust property of the former parish was held. This requires an ordinance of the Standing Committee. The purpose of this policy is to articulate the principles and guidelines that the Standing Committee has adopted for determining the extent to which the church trust property is to be used for the purposes of the amalgamated parish and the extent to which it should be used for purposes beyond the boundaries of that parish.

### Principles and Guidelines

- 1.8.3 For all proposed amalgamations, parishes should prepare a 'ministry and evangelism plan' (MEP). The MEP should articulate how the church / residences / other property of the combined parish will be used to support the ministry of the parish. In addition, where the ministry activity in one or more of the ministry sites had declined such that the local offertories are below the Net Operating Receipts threshold for ongoing viability, the ministry and evangelism plan must include measures which have the potential to revitalise ministry, including a weekly service, at the site/in the former parish, unless scenario 4 below is considered the appropriate path forward. The ACGC should also prepare a report considering the reasonable property needs of the area weighed against the reasonable property needs elsewhere in the Diocese. The Regional Council should not proceed with an amalgamation unless the MEP is approved by the Regional Bishop.

#### Scenario 1 – Continuing Ministry at a Site

- Church trust property is held on trust for the beneficial use of a particular local parish. Where the MEP demonstrates that ongoing Anglican ministry is planned to continue **at that ministry site** beyond amalgamation, Standing Committee should vary the trusts so that the church trust property is held for the benefit of the parish unit (or recognised church) that will have the responsibility for ministry on that site. The trust ordinance will include a clause that requires the parish to bring a report to Standing Committee three years hence (or a longer period if, in the view of the Regional Bishop, this is warranted by the MEP), so that the Standing Committee can review progress against the goals set out in the MEP. In the event that Anglican ministry subsequently ceases at the site, the Standing Committee will have regard to the principles of this policy in any subsequent application to it in relation to the property.

**Example:** *Parish B has a church (St Barnabas) and a rectory. Parish A and parish B amalgamate. As per the prepared MEP, services at St Barnabas continue after amalgamation, with the assistant minister who leads this congregation living in the associated rectory. On amalgamation, Standing Committee varies the trusts of Parish B to transfer the beneficial use of church and rectory to parish A. At the three year review, the report from the parish indicates that the revitalisation milestones set out in the MEP have not been reached, but that there is still prospect for this to occur. Standing Committee extends the review date for another three years.*

*However, five years after amalgamation, the amalgamated parish decides to cease Anglican ministry at St Barnabas. Any subsequent application to Standing Committee in relation to the church of St Barnabas or its rectory will be treated in line with the policy principles below (i.e., Standing Committee will “remember” that these assets arose from the former parish B and that parish A does not have an a priori right to use those assets for purposes unrelated to the continuation of the ministry at St Barnabas.) The amalgamated parish still has the option of continuing ministry on a newly developed site (scenario 2), pausing ministry (scenario 3) or ceasing ministry altogether (scenario 4).*

### Scenario 2 – Continuing Ministry, but at a newly developed site

- Where the intention is that Anglican ministry will not continue at a church site, but that church's congregation will continue meeting at a new site to be developed, then the Standing Committee should direct the first portion of the proceeds from sale to the *reasonable property needs* for ministry in the new location. The *reasonable property needs* should be set out in the MEP prepared by the parish, in accordance with advice from the ACGC and as approved by the Regional Bishop. Any portion remaining after the reasonable property needs of the parish should be directed to other property purposes outside the parish.

**Example:** *Parishes A and B each have parish churches that are inadequate. The parishes plan to amalgamate and sell both parish churches so that they can build a new, appropriate church centre for their combined congregations to meet in. In conjunction with the Regional Bishop and the ACGC, the parish develops an MEP that takes into account the combined size of the new congregation, the population projections for the area and the number and state of other nearby churches to determining the appropriate scale of the new church facilities (and hence the reasonable property needs). On the basis of an MEP supported by Regional Bishop and the ACGC, the Standing Committee allocates the first portion of the proceeds from sale to reasonable property of the parish, and the remainder allocated to the NCNC to fund the construction of a church in (say) South West Sydney.*

### Scenario 3 – Uncertainty as to Continuing Ministry

- In this scenario, Anglican ministry is not continuing at a site immediately after amalgamation, but there is some potential for a continuing ministry on that site in the future. In conjunction with the Regional Bishop, the parish prepares an MEP for this site which articulates a pathway (with milestones) towards the revitalisation of viable ministry at this site. At the point of amalgamation, the trusts are varied so that the assets are transferred to the ACGC to be held on trust in support of the development of new properties for ministry, but assigned for the exclusive use of the parish for a period of three years (or a longer period if, in the view of the Regional Bishop and the ACGC, it is warranted by the MEP). This exclusive use allows the parish to receive the income generated from the church trust property, and also obligates the parish to maintain the church trust property. The purpose of this arrangement is to allow the ACGC to use this church trust property as security for loans, but not otherwise to deal with the property. In other respects, the local parish has both the use of, and responsibility for, the property.

After the three year (or longer) period, the progress towards revitalisation will be assessed with reference to the milestones established by the parish in the MEP. If ministry on the site is progressing towards viability, the Standing Committee can either extend the current arrangement for a further three years, or (in the event that vibrant, continuing ministry has been restored) alter the trusts so that the property is held on trust for the beneficial use of the parish.

If there is a mortgage over the property when it is transferred to the parish, the ACGC will continue to be responsible for all aspects of servicing the mortgage. In the event that Standing Committee approves the parish using the property as security for another mortgage, the Standing Committee will direct the ACGC to refinance the original mortgage so that it is secured against other assets in the ACGC portfolio.

### Scenario 4 – No Continuing Ministry

- Where Anglican ministry is to cease at a church site and there is no "successor" ministry for the congregation formerly meeting on that site, the church trust property should be transferred to ACGC, to be held on trust in support of the development of new properties for ministry (rather than a particular parish). Any proposal for the sale or other dealings with the property requires the approval of the Standing Committee, based on advice received from the Regional Bishop and the ACGC, which should consider the reasonable property needs of ministry in that location, weighed against the reasonable property needs elsewhere in the Diocese. This should include a consideration of the opportunity cost of actions now and in the future, and considerations of the potential for escalation in property values over time.

**Example:** Parish A amalgamates with Parish B. The MEP demonstrates that the amalgamated parish needs the old rectory from Parish B for its ministry to the (larger) amalgamated parish, but does not need (or want) the church from parish B, because it is not a suitable site for ministry (now or in the future). The trusts are varied so that the amalgamated parish gains the rectory and the old church is transferred to the ACGC.

*This policy was made by the Standing Committee on 17 October 2022 under clause 6(5) of the Standing Committee Ordinance 1897.*

## **2. Sale of parish property**

### **2.1 Consultation concerning property used for Indigenous ministry**

Standing Committee has adopted the following procedures in relation to any proposed sale of property that is used for Indigenous ministry –

- 2.1.1 Upon receiving notification of any proposal to sell parish property, the Regional Bishop or Regional Archdeacon is to determine if that property is used for the purposes of Indigenous ministry.
- 2.1.2 If the Regional Bishop or Regional Archdeacon determines that the property is used for Indigenous ministry, the Regional Bishop or Regional Archdeacon is to consult with the Sydney Anglican Indigenous Peoples' Ministry Committee and the relevant parish concerning the sale and is to provide a brief report to the Secretary of the Standing Committee in respect to this consultation for inclusion in any report prepared for the Standing Committee concerning the sale of the property.

*This policy was made by the Standing Committee on 30 April 2012 under clause 6(5) of the Standing Committee Ordinance 1897.*

### **2.2 Sale or long-term lease of land**

- 2.2.1 Other than in exceptional circumstances, land should not be sold or long term leased unless the proceeds from sale are to be invested in assets which will preserve or improve the real capital value of the assets held on behalf of the parish (as measured by an independent market valuation of those assets) or are to be used to provide funds to the Mission Property Fund (MPF) and/or New Churches for New Communities (NCNC) for the purchase of new property to further the Diocesan Mission.
- 2.2.2 'Exceptional circumstances' should be based on advice from the Growth Corporation that the property is not able to be utilised for the purposes described in Preferences 1-3 below –
  - Preference 1: Re-purpose and consider alternative ministries/ministers to better activate and use the property, whether that be for parochial purposes and / or with partnership with other Diocesan organisations.
  - Preference 2: Retain ownership of the land and redevelop part of the land with either a long-term lease or sale of the minimum amount of reuse, to enable the development partner to achieve an acceptable and agreed commercial outcome.
  - Preference 3: Subdivide the land and sell the portion that is commercially redeveloped.



Preference 4: Sell the property and use the proceeds to fund developments to meet the reasonable needs of the parish, with any excess being shared in accordance with Policy 1.4.1 (d) with the MPF and/or NCNC for the purchase of new property to further the Diocesan Mission.

*This policy was made by the Standing Committee on 17 February 2014 and updated on 18 November 2019 under clause 6(5) of the Standing Committee Ordinance 1897.*

## **2.3 Large Property Sale Receipts Policy**

### **Anglican Church Trust Property**

- 2.3.1 Property is church trust property if it is subject to any trust for the use, benefit or purposes of the Anglican Church in the Diocese of Sydney or any parochial unit or diocesan organisation in the Diocese.
- 2.3.2 All church property in this Diocese has been donated to trustees, or has been acquired with money placed in the hands of trustees, for the purposes of parochial units or diocesan organisations or for specific or general purposes within the Diocese.
- 2.3.3 Church trusts are not private trusts for the benefit of individual beneficiaries but are charitable trusts under which the property (subject to the power to vary those trusts under section 32 of the *Anglican Church of Australia Trust Property Act 1917*) is devoted to designated purposes in perpetuity. It is not held on trust solely for a group of persons who may have the right to use it for the time being and the obligation to maintain it.

### **Sharing a portion of excess sale proceeds outside the parish**

- 2.3.4 The Standing Committee recognises that it is sometimes necessary or desirable to sell church trust property held for the parish.
- 2.3.5 Standing Committee has policies regarding –
  - (a) the sale or long-term lease of land (see regulation 2.2), and
  - (b) the use of sale proceeds with regard to meeting recurrent expenditure (see regulation 1.4.1(a)).
- 2.3.6 Ordinarily, an ordinance authorising the sale of a property will also specify how the proceeds of that sale are to be applied.
- 2.3.7 Where a Bill for an ordinance authorises the sale of a property and the anticipated net proceeds of the sale exceed the expected cost of the action(s) identified in the Bill to apply those proceeds, 50% of the 'excess' should be shared outside the parish.
- 2.3.8 For the purpose of the previous paragraph –
  - (a) the action(s) to apply net sale proceeds would typically involve some combination of the purchase, construction, renovation, addition, extension or improvement of other property held for the benefit of the parish,
  - (b) any portion of the expected net sale proceeds to be invested or left not otherwise applied is to be considered part of any 'excess',
  - (c) the parish is expected to provide sufficient information in its Statement of Evidence accompanying the Bill to enable Standing Committee to satisfy itself that –
    - (i) the anticipated net sale proceeds have not been materially understated, and
    - (ii) the expected cost of the actions to apply those proceeds have not been materially overstated,
  - (d) the normal expectation is that the portion of any 'excess' to be shared outside the parish arising from the sale of –
    - (i) vacant land will be applied to the Mission Property Committee's Fund for the purchase of new church sites in greenfield areas, and

- (ii) land with an existing building will be applied to the New Churches for New Communities Fund for the purchase or construction of new church buildings,
  - (e) Standing Committee may consider a request for relief or exception (in part or whole) from this policy, or for the amount shared outside the parish to be directed elsewhere.
- 2.3.9 Where a Bill makes provision for the 'excess' to be shared in accordance with this policy the Bill will not usually be referred to an Ordinance Review Panel.

### **Reports to Synod**

- 2.3.10 A report will be provided to the Synod each year identifying all amounts shared under this policy with the Mission Property Fund, New Churches for New Communities Fund and other diocesan beneficiaries in the preceding year.
- 2.3.11 The Standing Committee may make amendments to this policy provided such amendments are reported to the next ordinary session of the Synod.

*This policy was made on 23 April 2018 and updated on 23 July 2018 and 18 November 2019 under clause 6(5) of the Standing Committee Ordinance 1897.*

## **3. Income from parish property (including investments)**

### **3.1 Capitalisation of income**

- 3.1.1 Standing Committee has adopted as a matter of policy in relation to the proportion of income which should generally be capitalised in order to preserve the real value of funds invested in the Property Trust –
- (a) where funds are held in order to purchase, replace or develop real property, 100% of the income should be capitalised, and
  - (b) where funds are held to provide an endowment or income stream and are predominantly invested in the Long Term Pooling Fund, no portion of the income should be capitalised, and
  - (c) where funds are held to provide an endowment or income stream and are not predominantly invested in the Long Term Pooling Fund, 30% of the income should be capitalised.

*This policy was made by the Standing Committee on 28 April 2008 under clause 6(5) of the Standing Committee Ordinance 1897.*

### **3.2 Property (Lease, Licence and Investment) Receipts Policy**

#### **Anglican Church Trust Property**

- 3.2.1 Property is church trust property if it is subject to any trust for the use, benefit or purposes of the Anglican Church in the Diocese of Sydney or any parochial unit or diocesan organisation in the Diocese.
- 3.2.2 All church property in this Diocese has been donated to trustees, or has been acquired with money placed in the hands of trustees, for the purposes of parochial units or diocesan organisations or for specific or general purposes within the Diocese.
- 3.2.3 Church trusts are not private trusts for the benefit of individual beneficiaries but are charitable trusts under which the property (subject to the power to vary those trusts under

section 32 of the *Anglican Church of Australia Trust Property Act 1917*) is devoted to designated purposes in perpetuity. It is not held on trust solely for a group of persons who may have the right to use it for the time being and the obligation to maintain it.

- 3.2.4 When a Bill for an ordinance is promoted to provide for the lease of church trust property, the Standing Committee represents the interest of the Diocese as a whole and has established these guidelines to assist promoters in an appropriate sharing with the Diocese.

### **Consideration of Bills related to Property Receipts**

- 3.2.5 The *Property Receipts Levy Ordinance 2018* (the Ordinance) requires by clause 3(1) that each parish pay a levy on property income (PRL) calculated in accordance with the Property Income Worksheet. The PRL replaced the Large Receipts Policy, which typically applied 15% levy on property income.
- 3.2.6 The Ordinance specifies in clause 4(b)(i) that the levy does not apply to income earned in a year from a property or fund held for the purposes of a parish if some of that income is applied for non-parish purposes pursuant to an ordinance. The purpose of this subclause is to give effect to special arrangements currently in place in various parish ordinances, which provide a distribution of property income outside the parish, where the Standing Committee has judged that there were good reasons for something other than the standard levy to apply.

### **Applications for an exemption from the PRL**

- 3.2.7 Where a parish has property income that was previously given a full exemption from the Large Receipts Policy, the parish will not qualify for an automatic exemption from the PRL due to the absence of any distribution outside the parish, as required by clause 4(b)(i) of the Ordinance. In these circumstances, the parish can seek a declaration from the Standing Committee by resolution under clause 4(b)(ii) of the Ordinance, that the PRL does not apply to certain property income. As a matter of policy, the Standing Committee will seek to ensure that its previous decisions in relation to the Large Receipts Policy continue to have the intended effect under the new policy, until the next ordinance review date.
- 3.2.8 The Standing Committee has agreed as a matter of policy that all property receipts (i.e. lease, licence and investment income) should be subject to the PRL, or otherwise provide at least an equivalent matching amount to be shared with the Diocese. Therefore, parishes should expect that any existing concessional arrangements that come to the Standing Committee for renewal will be removed or phased out over time.
- 3.2.9 The Standing Committee recognises that there may be exceptional circumstances in which it is appropriate for a parish to seek a new concessional PRL arrangement, through a Bill for an ordinance.
- 3.2.10 Any application for a full or partial exemption from the PRL under clause 4(b)(ii) of the Ordinance, whether by way of a Standing Committee resolution (see 3.2.7), renewal of existing ordinance (3.2.8) or a Bill for a new ordinance (3.2.9) must be accompanied by at least –
- (a) a copy of the parish's Prescribed Financial Statements for the prior year, and offertory figures for the current year,
  - (b) a completed property income worksheet for the parish for the prior year and the current year based on budgeted figures,
  - (c) if the parish is seeking an exemption exceeding 12 months, the following information in relation to the period of the proposed exemption –
    - (i) the parish's forecast property income from all sources and an explanation of how the forecast has been determined,
    - (ii) the parish's forecast deductions allowable under the property income worksheet, and
    - (iii) the levy that would apply to the parish for each year of the period having regard to the forecast property income and deductions,
  - (d) a statement explaining why the exemption is being sought (including an outline of how the amount that would otherwise be payable as a levy will be expended by the parish),

- (e) attendances for each Sunday service for the last 3 years,
- (f) a statement from the Regional Bishop indicating whether or not he supports the exemption.

3.2.11 A \$500 fee applies to an application for exemption.

3.2.12 Where a PRL exemption is given effect by resolution, it should typically be granted for a period of 12 months or for such other time period that reflects the period over which the parish's levy obligations and income needs can be reliably forecast.

*This policy was made by the Standing Committee on 23 April 2018 and updated 18 March 2019 under clause 6(5) of the Standing Committee Ordinance 1897.*

### **3.3 Reviewing large receipts contributions to Synod**

3.3.1 From time to time, parishes are required to promote a Bill for an ordinance to the Standing Committee to facilitate a change to the specified application(s) of lease or investment income, or a review of the percentages of lease or investment income, where that income is distributed to the parish and the Synod under the Large Receipts Policy.

3.3.2 Where a parish proposes to promote a Bill for an ordinance to facilitate such a review it will, in addition to any other requirement of an Act, ordinance or regulation, give the Diocesan Resources Committee notice of –

- (a) the proposed ordinance and any accompanying evidence prepared by the parish in support of the ordinance, and
- (b) if not included in the supporting evidence –
  - (i) where it is proposed to change the specified application(s), a table comparing the current and proposed specified application(s) of lease or investment income prior to the percentages of the balance being distributed to the parish and the Synod,
  - (ii) a table agreed with SDS setting out the percentages of lease or investment income distributed to the parish and the Synod during the period since distributions of lease or investment income to the Synod commenced, and
  - (iii) a statement of the parish's intentions, if any, for future distributions beyond the period covered by the proposed ordinance.

3.3.3 The Diocesan Resources Committee is to review the proposal and prepare comments about the impact of the proposal, if any, on the Synod's budget. The comments may include recommended changes to address any adverse impact.

3.3.4 The Diocesan Resources Committee is to provide a copy of its comments to the parish and the Diocesan Secretary together with the table of percentages. Upon promotion of the Bill for an ordinance, the comments and table of percentages are to be incorporated into the evidence provided by the parish and the Report of the Ordinance Review Panel.

*This policy was made on 15 February 2016 and updated on 19 September 2016 and 5 December 2022 under clause 6(5) of the Standing Committee Ordinance 1897.*

### **3.4 Urban Renewal Support Contribution**

3.4.1 Income arising from a development on land held in trust for the use of parishes, where the burden of risk and funding for the development is outside the parish (such as those under the Urban Renewal Pilot Program [URPP] managed by the Anglican Church Growth Corporation [ACGC]), will be subject to the Urban Renewal Support Contribution (URSC).

Given the assistance received from outside the parish, higher yielding projects will see the majority of the surplus generated returned to the Ministry Infrastructure Development Fund (MIDF) for the benefit of the wider property needs of the Diocese. The following rates will apply:

**Table A:** Urban Renewal Support Contribution (URSC) rates

<b>Annual Net Property Income</b>	<b>% Contribution to be applied (within income band)</b>	<b>Calculation of contribution</b>
\$0-100,000	25%	25% of every dollar
\$100,001-200,000	50%	\$25,000 + 50% of every dollar > \$100k
\$200,001-500,000	70%	\$75,000+ 70% of every dollar > \$200k
\$500,000+	98.5%	\$285,000 + 98.5% of every dollar > \$500,000

*This policy was made on 6 December 2021 under clause 6(5) of the Standing Committee Ordinance 1897.*

## 4. Sundry

### 4.1 Disputes and Conciliation Committees

#### Preamble

- 4.1.1 The following guidelines are suggested as the normal procedures to be adopted by Disputes and Conciliation Committees appointed pursuant to rule 8.4 of the *Parish Administration Ordinance 2008*.

#### Disputes and Conciliation Committee

- 4.1.2 It is to be noted that a committee must consist of at least 3 persons of whom at least 1 is to be a minister licensed to a parish and 1 at least is to be a layperson.
- 4.1.3 A committee itself decides the matter and does not merely refer it back to the Regional Bishop-in-Council.

#### Clarifying Complaints

- 4.1.4 Normally a complaint should not be acted upon unless it is precisely specified in writing. Should a complainant by reasons of any disabilities be unable to resolve the complaint unaided, a diocesan officer or a member of the committee may render assistance. It is important, however, that the complaint be and be seen to be the words of the complainant and not the words of someone else put into the mouth of the complainant.
- 4.1.5 The complainant should then be asked to give his or her consent to the complaint being forwarded to the person who should answer the complaint. Unless this is done it may be that consequences of a legal or relationship nature follow which were not anticipated by the complainant in respect of which he or she may hold the Diocese responsible.
- 4.1.6 When the complainant has given permission for the complaint to be forwarded, it should be sent with a note indicating that a reply is needed as soon as possible and that the reply should be accompanied by a consent to send the same to the complainant for comment. A pro forma consent should be dispatched to the person answering the complaint together with a copy of the complaint.
- 4.1.7 When the complainant's comments are received, the chairman of the committee should then convene a meeting of the committee.

## **No Protection against Defamation/Pastoral Resolution**

- 4.1.8 A committee has no protection against defamation nor has it any right to take evidence on oath. A committee may, however, consider it appropriate (i) to ask for further written material, (ii) to ask persons to come into a subsequent meeting to discuss the matter, or (iii) postpone the hearing and suggest to the regional archdeacon or another appropriate person that it might be best for that person to try and resolve the dispute in a pastoral manner before a determination is made according to law.

## **Determination of Disputes**

- 4.1.9 When a dispute is determined the resolution should be that the dispute be so determined and that the Regional Bishop-in-Council be so advised with a request that the Regional Bishop-in-Council might notify the parties accordingly.

*These guidelines were made by the Standing Committee on 2 May 1988 under clause 6(5) of the Standing Committee Ordinance 1897, amended on 25 October 1993, and edited to reflect editorial changes made by amendments to the Church Administration Ordinance 1990, amended on 18 November 2019 to incorporate rule 8.4 of the Parish Administration Ordinance 2008.*

## **4.2 Procedures for affiliation under the *Affiliated Churches Ordinance 2005***

*This policy was made by the Standing Committee on 26 June 2006 and amended on 25 June 2007 and 15 September 2014 under clause 6(5) of the Standing Committee Ordinance 1897. The affiliated churches subcommittee was constituted by the Standing Committee on 12 December 2005. The Standing Committee approved the form of affiliation agreement on 26 June 2006. This policy was repealed by the Standing Committee on 25 March 2024, with the subcommittee being discontinued at that time.*

## **4.3 Development of ministry centres in new greenfield residential areas**

- 4.3.1 Standing Committee determines the following principles as a policy of the Standing Committee under clause 9(3) of the *Mission Property Ordinance 2002*, relating to the land acquisition and construction of ministry centres and ministry residences in new Greenfield release areas. Following consultation with the Regional Bishop, the following principles will be applied to each growth locality on a case by case basis –
- (a) A land area of between 1 and 1.5 hectares (2.5 to 3.7 acres) is required in order to accommodate a ministry centre with a capacity to seat at 500 and associated facilities.
  - (b) Where possible and appropriate the design of the buildings should enable staged construction in line with growth in the congregation as follows –
    - (i) (Stage 1) 250 seat capacity auditorium,
    - (ii) (Stage 2) 500 seat capacity auditorium,
    - (iii) with MPC seeking authority for all stages but MPC managing the construction of buildings for stage 1, with the future parish responsible for funding and managing stage 2.
  - (c) Use of a combination of permanent and re-locatable buildings should be considered.
  - (d) Off street car parking should be provided at a rate of 1 car parking space per 3-4 seats of the capacity of the service area in the ministry centre.
  - (e) Appropriate opportunities for location of a ministry centre on a site adjoining a Diocesan school or aged care facility should be considered.

- (f) Ministry residences should ideally be located within walking distance but not adjacent to the site of the ministry centre.
- 4.3.2 However in relation to paragraph (b), a facility with a capacity of less than 250 seats will be considered when necessary or appropriate, such as low anticipated numbers of the incoming congregation, council restrictions or other local factors, in consultation with the Regional Bishop and church planter, with any proposal of a facility with a capacity of less than 250 seats being brought to the attention of Standing Committee.

*This policy was made by the Mission Board on 29 March 2010 under clause 9(3) of the Mission Property Ordinance 2002 in exercise of delegated authority from the Standing Committee under clause 6(5) of the Standing Committee Ordinance 1897. The policy was amended by the Standing Committee on 13 November 2017.*

#### **4.4 Interactions with the ACNC on behalf of diocesan entities**

- 4.4.1 Standing Committee has agreed, as a matter of policy, to exercise the legislative authority under section 190-40 of the Australian Charities and Not-for-profits Commission Act 2012 concerning interactions with the Australian Charities and Not-for-profits Commission (ACNC) made on behalf of parishes and diocesan entities as follows –
  - (a) The Standing Committee will apply to the ACNC for an alternative accounting period for each parish and other diocesan entity whose accounting period is specified by ordinance, including by the *Parish Administration Ordinance 2008* and the *Accounts, Audits and Annual Reports Ordinance 1995* (other than Anglicare, Anglican Retirement Villages and Anglican Aid which have the standard accounting period of year end 30 June).
  - (b) The Standing Committee will notify the ACNC of any change to the governing rules of parishes, namely the *Parish Administration Ordinance 2008*, and any changes to ordinances which affect the governance of diocesan entities on a systemic basis (eg changes to the *Regions Ordinance* and the *Accounts, Audits and Annual Reports Ordinance 1995*) but excluding any notification arising from amendments to the *Anglican Church Property Trust Diocese of Sydney Ordinance 1965*. The effect of this would be to require any change which is made to a particular governing ordinance of a diocesan entity to be notified to the ACNC by that entity.
- 4.4.2 Standing Committee will interact with the ACNC on behalf of parishes and other diocesan entities only in respect of their main ABN/charity registration for the parish and entity. This means, for example, that the Standing Committee will not interact with the ACNC in respect of any additional ABN/charity registrations that the parish or entity may use to conduct its affairs.
- 4.4.3 It will be necessary to clarify with the ACNC whether the Standing Committee is competent under section 190-40 to notify diocesan entities as religious charities for the purposes of transitional legislation. This is because an entity's status as a charity for the advancement of religion may not be a matter which entirely relates to its governing rules. If the ACNC confirms that it will accept such notifications, the Standing Committee will make such notifications on behalf of all parishes (but not on behalf of other diocesan entity).
- 4.4.4 Standing Committee has authorised the Finance Committee to oversee the implementation of this policy and, if appropriate, to modify its scope.

*This policy was made by the Standing Committee on 12 November 2012 under clause 6(5) of the Standing Committee Ordinance 1897, and updated by the Finance Committee under delegated authority on 14 February 2013.*

## **4.5 Bequests over \$20,000**

- 4.5.1 As a matter of policy, all bequests in favour of the Diocese of Sydney for more than \$20,000 without a specific trust are to be added to the capital of the Diocesan Endowment.

*This policy was made by the Standing Committee on 23 August 1999 under clause 6(5) of the Standing Committee Ordinance 1897.*

## **4.6 Special capital appropriations from the Diocesan Endowment**

- 4.6.1 Standing Committee has agreed that –

- (a) before consideration is given to any proposal for making a special appropriation from the capital of the Diocesan Endowment, the proposal (together with any supporting evidence or other papers) will be referred to the Glebe Administration Board for its advice in light of all the circumstances applicable at that time, and
- (b) subject to the Glebe Administration Board providing its advice within a reasonable timeframe, further consideration of the proposal will be deferred until it has received that advice from the Glebe Administration Board.

*This policy was made by the Standing Committee on 10 December 2007 and amended on 14 May 2018 under clause 6(5) of the Standing Committee Ordinance 1897.*