

Mission Property Ordinance 2002

(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 and the Anglican Church Growth Corporation and Mission Property Amendment Ordinance 2021.

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Long Title

An Ordinance to provide for the creation of a Mission Property 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 Mission Property Ordinance 2002.

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.

“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.

“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.

“Mission Property Fund” or “Fund” 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.

“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 Mission Property Fund or which is to be acquired as an addition to that capital, and
- (b) real property held on trust for the purposes of a parochial unit or a diocesan organisation which is to be acquired or developed through the exercise of the Corporation’s functions, provided the Regional Bishop and a majority of the members of the parish council of the parochial unit, or the council of the diocesan organisation, as the case may be, have consented to such acquisition or development under clause 17(2) of the Anglican Church Growth Corporation Ordinance 2018; 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.

(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 – Mission Property Fund

3. Constitution of the Fund

The Mission Property Fund consists of –

- (a) the real property listed in the Schedule, and
- (b) the personal property which, at the date of assent to the Mission Property Ordinance 2002 Amendment Ordinance 2018, is comprised in ACPT Client Funds 0380, 0381, 0383, 0388, 0390, 0392, 0396, and 0398 and any accumulated or undistributed income (whether or not capitalised) derived from such property, and
- (c) all real and personal property from time to time received as an addition to the Mission Property Fund (including personal property received for projects involving the acquisition or development of Specified Property or the proposed acquisition or development of property which is or may become Specified Property) or which is derived or realised from the property of the Mission Property Fund, and
- (d) all personal property from time to time borrowed by the Corporation pursuant to a direction under clause 9(b).

4. Trusts of the Fund

The Mission Property Fund 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 Mission Property Fund is to be applied toward –
 - (a) Projects (including projects involving the acquisition or development of Specified Property or the proposed acquisition or development of property which is or may become Specified Property) in areas in the Diocese which are experiencing or are likely to experience a rapid increase in population, and
 - (b) Projects (including projects involving the acquisition or development of Specified Property or the proposed acquisition or development of property which is or may become Specified Property) which are likely to lead to a rapid increase in the number of persons attending churches in the Diocese,

in such priority and manner as is determined under clause 6.

- (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 Mission Property Fund is to be applied toward projects under clause 5(1).
- (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 Mission Property Fund 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 Mission Property Fund 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 Mission Property Fund are –
 - (a) to implement the completion of projects in accordance with the statement of priority last made under clause 6(2), and
 - (b) to manage the property of the Mission Property Fund in a manner which is consistent with implementing the completion of projects under paragraph (a), and
 - (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 Mission Property Fund.

8. Implementing the completion of projects

- (1) The Corporation may from time to time –
 - (a) acquire land in the Diocese from the personal property of the Mission Property Fund or funds provided by the NCNC or through the Corporation, or
 - (b) subdivide and develop Specified Property, or
 - (c) construct or renovate ministry buildings on Specified Property, or

- (d) 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), (b) and (c), or
- (e) sell or otherwise realise all or part of the Specified Property, or
- (f) pay or transfer personal property forming part of the Mission Property Fund to another fund or person or corporation for any of the purposes specified in paragraphs (a) to (c), or
- (g) 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)(f)) 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)(f), 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

For the purposes of managing the property of the Mission Property Fund under clause 7(1)(c), the Corporation may from time to time –

- (a) subdivide and develop land which forms part of the Mission Property Fund, or
- (b) borrow on the security of any property forming part of the Mission Property Fund for the purposes of or incidental to the purposes of the Fund, or
- (c) grant security over any property of the Mission Property Fund for the financial obligations of any person or corporation in connection with the subdivision and development of land forming part of the Mission Property Fund, or
- (d) sell or otherwise realise all or part of the land or other property of the Mission Property Fund.

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 the Sydney Diocesan Secretariat, the 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 Mission Property Fund 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 Mission Property Fund.

13. Trustee Expenses

(1) The Corporation may apply any personal property forming part of the Mission Property Fund 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 Mission Property Fund 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 Mission Property Fund, and
 - (c) the reasonable costs and expenses incurred by the Corporation in performing its functions under this Ordinance.
- (6) Pending the application of the property of the Mission Property Fund, 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 Mission Property Fund, 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
13 Gibson Crescent, Sanctuary Point	Lot 2754 in Deposited Plan 235301
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
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
30 Heath Road, Leppington	Lot 49 in DP8979
49-51 Excelsior Avenue, Marsden Park	Lot 9 in DP1225976
12 Fingleton Close, Rouse Hill	Lot 221 in DP876409
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

Table of Amendments

Preamble	Amended by Ordinance No 8, 2007. Deleted by Ordinance 24, 2018.
Clause 2	Amended by Ordinances Nos 8, 2007; 5, 2013 and 24, 2018.
Clause 3	Amended by Ordinance Nos 8, 2007 and 24, 2018. 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 and 24, 2018. Renumbered and amended by Ordinance No 52, 2021.
Clause 7	Inserted by Ordinance No 8, 2007. Renumbered and amended by Ordinance No 52, 2021.
Clause 7	Amended by Ordinances Nos 8, 2007; 1, 2010 and 24, 2018. 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.
Clause 9	Inserted by Ordinance No 8, 2007 and amended by Ordinance No 1, 2010. Renumbered and amended by Ordinance No 52, 2021.
Clause 10	Inserted by Ordinance No 8, 2007. Renumbered and amended by Ordinance No 52, 2021.
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. 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 and 24, 2018.

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12 July 2022