

Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018

(Reprinted under the Interpretation Ordinance 1985.)

The Parochial Costs Recoveries and Church Land Acquisitions Levy Ordinance 2018 as amended by the Miscellaneous Amendments Ordinance 2019.

Long Title

An ordinance to determine the costs for parochial units and for a levy for the acquisition of land for church sites payable by parochial units in 2019, 2020 and 2021, to authorise the application of such charges and for incidental purposes.

Preamble

A. Under clause 4 of the *Cost Recoveries Framework Ordinance 2008* (the "Framework Ordinance"), a parochial unit is to pay a cost recoveries charge each year in respect of ministry costs and parochial network costs specified or determined in accordance with an ordinance referred to in clause 5 of the Framework Ordinance.

B. By clause 5(3) of the Framework Ordinance, the Standing Committee is to prepare for the second ordinary session of the 51st Synod a proposed ordinance for adoption by the Synod which specifies the cost recoveries charge to be paid by each parochial unit in 2019, 2020 and 2021, or the method or methods by which such charge may be determined by the Standing Committee, and authorises the Standing Committee to apply such cost recoveries charges paid by parochial units in a financial year toward ministry costs and parochial network costs.

C. The statement of funding principles and priorities approved by the first ordinary session of the 51st Synod and the first ordinary session of each Synod thereafter under clause 3(3) of the *Synod Estimates Ordinance 1998* contemplates the payment of a levy by parochial units in 2019, 2020 and 2021 for the acquisition of land for church sites.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name of Ordinance

This Ordinance is the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018*.

2. Definitions

In this Ordinance –

"year" means a period of 12 calendar months commencing on 1 January.

"ministry costs" means the costs, expenses, charges or contributions for the year referred to or contemplated under clause 2(2)(a) of the Framework Ordinance.

"parochial network costs" means –

- (a) the costs, expenses, charges or contributions for the year referred to or contemplated under clause 2(2)(b) of the Framework Ordinance, and
- (b) the cost of the parish risk management program, and
- (c) the parish related costs for the year of the Professional Standards Unit, and
- (d) the cost of reimbursing Synod Fund 131 for non-standard expenses previously incurred by the Professional Standards Unit and paid from Synod Fund 131, and
- (e) the cost of the safe ministry training program, and
- (f) the cost of the Ministry Spouse Support Fund, and
- (g) a contribution towards the costs of the Diocesan Archives, and
- (h) a \$10,000 provision for the relief or remission of parochial cost recoveries charges, and
- (i) the cost of the Sydney Diocesan Secretariat's fee for managing the Parochial Cost Recoveries Fund 951, and
- (j) the cost of the Property Trust's management fee for property related services to parishes, and
- (k) the cost of the Diocesan contribution to the Voluntary Relinquishment of Incumbency Fund.

"parochial unit" means a parish, provisional parish, recognised church or provisional recognised church in the Diocese of Sydney.

Parochial Cost Recoveries and Church Land Acquisition Levy Ordinance 2018

“parochial unit with property” means a parochial unit for which real property is held on trust or which has the use of real property held as part of the fund constituted under the *Mission Property Ordinance 2002*.

“church land acquisition projects” means the acquisition of land for church sites in areas in the Diocese which are experiencing or are likely to experience a rapid increase in population in accordance with the priorities determined under clause 5C of the *Mission Property Ordinance 2002*.

“Mission Property Fund” means the fund constituted under the *Mission Property Ordinance 2002*.

3. Cost recoveries charge

- (1) In 2019, 2020 and 2021 each parochial unit is to pay a cost recoveries charge calculated according to the formula in the Schedule.
- (2) The cost recoveries charge paid by a parochial unit under subclause (1) is to be applied to the payment of the ministry costs and parochial network costs incurred, or to be incurred, in the year for which that charge is paid.
- (3) The Standing Committee is to report to the third ordinary session of the 51st Synod about –
 - (a) the ministry costs and parochial network costs payable in 2020 and an estimate of the amounts payable, and
 - (b) the cost recoveries charge estimated to be payable by each parochial unit in 2020 and details of how that charge is calculated.
- (4) The Standing Committee is to report to the first ordinary session of the 52nd Synod about –
 - (a) the ministry costs and parochial network costs payable in 2021 and an estimate of the amounts payable, and
 - (b) the cost recoveries charge estimated to be payable by each parochial unit in 2021 and details of how that charge is calculated.

4. Church land levy

- (1) In 2019, 2020 and 2021 each parochial unit is to pay a levy calculated as 2.0% of the Net Operating Receipts of the relevant parochial unit for 2017, 2018 and 2019 respectively, determined under Part 3 of the Framework Ordinance.
- (2) The levy is payable by 10 equal instalments in each year, the first due and payable on 1 March and subsequent instalments due and payable on the first day of each succeeding month.
- (3) The levy paid by a parochial unit under subclause (1) is to be paid as an addition to the Mission Property Fund and applied towards church land acquisition projects.

Schedule: Cost Recoveries Charge

1. The cost recoveries charge payable by a parochial unit for a year is –
 - (a) in the case of St Andrew’s Cathedral, the sum of –
 - (i) the minister and assistant minister charge for that year, and
 - (ii) a contribution of \$100 towards the cost of the purchase of the Community Social Profiles produced by NCLS, payable in March 2019, and
 - (b) in the case of any other parochial unit, the sum of –
 - (i) the minister and assistant minister charge for that year, and
 - (ii) the variable charge for that year, and
 - (iii) a contribution of \$100 towards the cost of the purchase of the Community Social Profiles produced by NCLS, payable in March 2019,but if –
 - (c) the contributions, costs and charges for a minister or assistant minister are paid by another parochial unit or body, or do not apply to the minister or assistant minister, a pro rata rebate of the appropriate portion of the minister or assistant minister charge is granted for that part or parts of the year for which that minister or assistant minister is licensed, and
 - (d) if a minister or assistant minister is licensed to the parochial unit only for part or parts of the year, an appropriate portion of the minister and assistant minister charge is payable for such part or parts.
2. In this Schedule –

Parochial Cost Recoveries and Church Land Acquisition Levy Ordinance 2018

“assistant minister” means an assistant minister or a senior assistant minister within the meaning of the *Assistant Ministers Ordinance 2017* licensed to the parochial unit.

“Complying Superannuation Fund” has the meaning given to that term in sections 42 and 42A of the *Superannuation Industry (Supervision) Act 1993*.

“minister” means –

- (a) the person licensed to the parochial unit as rector, and
- (b) in the absence or incapacity of a person referred to in paragraph (a) or during any vacancy in office of the rector of the parochial unit, the person appointed under rule 9.7 in Schedule 1 or Schedule 2 of the *Parish Administration Ordinance 2008* for the time being to exercise all or any of the functions of the rector.

“minister and assistant minister charge” means, for each minister and assistant minister licensed to the parochial unit, the sum of the following costs and charges –

- (a) the costs of the contribution or contributions to a complying superannuation fund nominated by the minister or assistant minister at the rate or in the amount determined by the Standing Committee from time to time, and
- (b) the costs of the contribution required to the Sydney Long Service Leave Fund in order to enable that Fund to make the payment or payments required to be made under the *Long Service Leave Canon 2010* in 2019, 2020 and 2021, and
- (c) the costs of Clergy Care, including the costs of effecting stipend continuance insurance and funding the Clergy Assistance Program, and
- (d) the costs of the contribution or contributions to fund the Sydney Diocesan Sickness and Accident Fund.

“variable charge” in 2019, 2020 and 2021 means the determined percentage of the Net Operating Receipts of the parochial unit for 2017, 2018 and 2019 respectively under the Framework Ordinance.

“determined percentage” means the ratio, expressed as a percentage, determined by the Standing Committee in accordance with the following formula –

$$\frac{PC}{TR}$$

where –

PC is the total estimated amount of all parochial network costs payable in 2019, 2020 and 2021, and

TR is the total of the Net Operating Receipts of all parochial units, except for St Andrew’s Cathedral, for 2017, 2018 and 2019 respectively,

provided that –

- (a) in the case of a parochial unit with property, the determined percentage is adjusted upwards to the extent necessary to meet any shortfall in the recovery of the estimated amount of all parochial network costs associated with property payable in a year due to the reduction in the determined percentage for parochial units without property under paragraph (b), and
- (b) in the case of a parochial unit without property, the determined percentage is 60% of the determined percentage calculated under paragraph (a).

Table of Amendments

| | |
|------------|----------------------------------|
| Clause 3 | Amended by Ordinance No 9, 2019. |
| Schedule 1 | |
| Clause 2 | Amended by Ordinance No 9, 2019. |

STEVE LUCAS
Legal Counsel & Corporate Secretary
20 May 2019

DANIEL GLYNN
Diocesan Secretary