

ANGLICAN CHURCH OF AUSTRALIA

DIOCESE OF CANBERRA AND GOULBURN

ANGLICARE HOUSING PROJECT ORDINANCE 2019¹

AN ORDINANCE to provide for the purchase and use of certain residential property for the use of Anglicare NSW South, NSW West and ACT

RECITALS

1. Anglicare has conducted a residential Out of Home Care program for over a decade in New South Wales.
2. A new program, the Intensive Therapeutic Care program, has been established by the NSW Government to replace the former program and Anglicare has been selected to operate the new program in Southern NSW and South-West Sydney for at least 5 years.
3. Anglicare currently leases residential properties for use in the former program and would be expected to lease properties, including for at least 8 placements in Queanbeyan, NSW, for the new program.
4. The rental property market in Queanbeyan is currently extremely tight and expensive and a careful analysis of the market and Anglicare's needs has shown that it would be more prudent for the Property Trust to purchase properties for the operation of the new program and to lease them to Anglicare for the term of the program.
5. Anglicare conducts and wishes to conduct other residential programs for which the purchase of residential property would be beneficial and constructive.

¹ Please note that this is a copy of the original ordinance recorded in the Ordinance books of the Diocese of Canberra and Goulburn. If you have any concern about this ordinance please contact: ordinances@anglicands.org.au

BISHOP-IN-COUNCIL in its capacity as the Standing Committee of the Synod and in exercise of its powers under section 3 of the Synod (Delegation of Functions) Ordinance 1998 and section 26 of the Anglican Church of Australia Trust Property Act 1917 (NSW) and section 26 of the Anglican Church of Australia Trust Property Act 1928 (ACT) enacts:

1. Name of Ordinance

1.1 This Ordinance is the Anglicare Housing Project Ordinance 2019.

2. Dictionary

2.1 In this Ordinance:

the Programs mean the following three programs: the Intensive Therapeutic Care program established by the New South Wales Government; the Independent Living Accommodation Program funded through the National Disability Insurance Scheme; the Community Housing Program funded by the New South Wales Government.

Note:

The Dictionary to the Diocesan Legislation Ordinance 2007 provides a definition of each of the following terms:

- Anglican Diocesan Services
- Anglican Investment and Development Fund
- Anglicare
- Anglicare NSW South, NSW West and ACT
- Bishop-in-Council
- Diocese
- Property Trust
- Synod

3. Purchase of Land

3.1 The Property Trust is authorised and directed to purchase such residential property as the Chief Executive Officer of Anglicare certifies from time to time as being required for its use in any one or more of the Programs.

- 3.2 Before purchasing any particular property under subsection 3.1, the Property Trust must confirm with the Chief Executive Officer of Anglicare that the property identified for purchase is fit for use for one or more of the Programs for use in which a certification under subsection 3.1 has been made.
- 3.3 The purchase of any property under subsection 3.1 shall be made at the time, in the manner and in accordance with the terms and conditions, including as to price, as is determined by Anglican Diocesan Services as certified in writing by the General Manager of Anglican Diocesan Services.
- 3.4 Any two members of the Property Trust are authorised to execute on behalf of the Property Trust any documents reasonably required or desirable for the purposes of the purchase under subsection 3.1 on production of a certificate in writing of the General Manager of Anglican Diocesan Services that the documents are so required or desirable.
- 3.4 The Property Trust is authorised and directed to hold any property which it has purchased under subsection 3.1 at least until the Chief Executive Officer of Anglicare certifies in writing that the property is no longer to be used in any of the Programs, whether because the property is no longer fit for the purpose of any one of the Programs, that none of the Programs is any longer being operated by Anglicare or otherwise.

4. Borrowings

- 4.1 The Property Trust is authorised and directed to borrow from the Anglican Investment and Development Fund such funds as are reasonably necessary for the purchase of property under subsection 3.1.
- 4.2 The Property Trust is authorised and directed to secure the loan under subsection 4.1 by a mortgage of the particular property purchased under subsection 3.1, if so required.

5. Lease of Property

- 5.1 Upon purchase of any property under subsection 3.1, the Property Trust is authorised and directed to lease that property to Anglicare for any one or more of the Programs and for the term and on the conditions that the General Manager of Anglican Diocesan Services certifies in writing has been agreed between Anglicare and Anglican Diocesan Services.

6. Sale of Property

- 6.1 Upon receiving a certificate from the Chief Executive Officer of Anglicare under subsection 3.3, the Property Trust is authorised and directed to sell the property the subject of the certificate unless the General Manager of Anglican Diocesan Services certifies in writing that the property is fit for a purpose of the Diocese consistent with its mission, that it is desired and desirable that the property be used for that purpose and that it is financially viable to use it for that purpose having regard to the financial position of the Diocese.
- 6.2 The sale of any property under subsection 6.1 shall be made at the time, in the manner and in accordance with the terms and conditions, including as to price, as is determined by Anglican Diocesan Services as certified in writing by the General Manager of Anglican Diocesan Services.
- 6.3 Any two members of the Property Trust are authorised to execute on behalf of the Property Trust any documents reasonably required or desirable for the purposes of the sale under subsection 6.1 on production of a certificate in writing of the General Manager of Anglican Diocesan Services that the documents so required or desirable.

7. Proceeds of Lease and Sale

- 7.1 The Property Trust shall pay from the net proceeds of any lease entered into under subsection 5.1:
- (a) the costs of this Ordinance;
 - (b) the costs of the relevant lease; and
 - (c) the costs of any outgoings, maintenance or other landlord obligations under the relevant lease.
- 7.2 The Property Trust shall pay from the net proceeds of any sale under subsection 6.1:
- (a) the costs of the sale; and
 - (b) any moneys due and owing to the Anglican Investment and Development Fund in respect of any loan entered into under subsection 4.1, including for the discharge of any mortgage entered into under subsection 4.2.

7.3 Subject to subsections 7.1 and 7.2, the Property Trust shall hold the rental paid under any lease entered into under section 5 and the balance of the net proceeds of any sale under subsection 6.1 as church trust property within the meaning of the Anglican Church of Australia Trust Property Act 1928 (ACT) for the general purposes of the Diocese.

8. Other Programs

8.1 At the express request of Anglicare, Bishop-in-Council may, by resolution, add a program to the definition of “the Programs” in section 2 by the force of which resolution the added program becomes one for which the Chief Executive Officer of Anglicare may then certify the purchase of one or more residential properties under subsection 3.1.

8.2 If a program is added under subsection 8.1, a residential property already purchased by the Property Trust may be used for that added program notwithstanding any prior certification by the Chief Executive Officer of Anglicare under subsection 6.1.

NOTES:

Passed by Bishop-in-Council without amendment on 29 March 2019 and assented to by Bishop Trevor on 29 March 2019.