



PROPERTY SALE PROCEEDS POLICY (BY-LAW 18.5 – SCHEDULE 1)

A. Preliminaries

This Policy shall be read in conjunction with By-law 18.5 "Use and Sale of Property". The objects and definitions in the By-law also apply in this Policy.

B. Decision making

In using its discretion, the Resources Board shall endeavour to achieve the objects of the By-law. It shall balance the needs of individual Congregations and Responsible Bodies with those of the wider Church.

In considering each Property Proposal, the Resources Board shall consider the extent to which the associated Mission Plan will assist in achieving the purposes of that Congregation and of the whole Church, the sustainability of the Mission Plan and whether classification as available for Alternative Missional Use may be applicable.

In considering a request for an extension of time it shall consider the degree of isolation, size and capacity of the Congregation involved.

C. Charges relating to a sale

The fee payable to the Presbytery and Synod for the services of staff directly involved in the property sales process for any property held in the name of the Property Trust shall be 1.5% of the gross property settlement amount with a minimum fee of \$500 and a maximum fee of \$20,000.

D. Indexing Boundary Values

Unless required by the provisions of the By-law, the Resources Board shall determine which boundary values shall be indexed. All such indexation shall be based on the Consumer Price Index for all groups for Adelaide.

E. Procedures

The Resources Board shall determine the details of the procedures to be used in implementing the By-law, including the design and provision of any forms which it may require to be used.

In determining such procedures, the Resources Board shall take into account any recommendations of the Executive Officer, Pastoral Relations and Mission Planning and the Executive Officer Mission Resourcing.*

The Resources Board shall publish the details of such procedures together with supplementary information, explanations and examples designed to assist Congregations and Church Councils fulfil their responsibilities under the By-law and Policy in a manner the Board shall determine.

(* The intention is to strengthen the currently valuable links between the Pastoral Relations and Mission Planning Team and the staff engaged in optimising the use of Congregational property. The last paragraph provides the basis for publishing a handbook outlined in the next section.)

F. Distribution of wider church share of Net Sales Proceeds

Category of Sale	Tiering if applicable % available to the wider church for each tier	Distribution Beneficiaries						
		Funds available to Congregation or Parish	New Church & Ministry Development Fund		Funds available to the Uniting Foundation	UAICC Capital Fund	Property Compliance & Consultation Fund	TOTAL
			Congregation Recommended	Resources Board Directed				
Unsafe building not replaced		0%	25%	25%	15%	10%	25%	100%
Congregation closed		0%	55%	20%	5%	5%	15%	100%
Under-utilisation of property as per Regulation 4.11.10		0%	25%	45%	15%	10%	5%	100%
Amalgamation of two or more congregations (and resulting property sales)	Tier 1 (15% share)	85%	0%	5%	0%	5%	5%	100%
	Tier 2 (30% share)	70%	5%	10%	0%	10%	5%	100%
	Tier 3 (50% share)	50%	10%	25%	0%	10%	5%	100%
Sale of property (including a manse not to be replaced) determined by the Congregation to be surplus	Tier 1 (15% share)	85%	0%	5%	0%	5%	5%	100%
	Tier 2 (30% share)	70%	5%	10%	0%	10%	5%	100%
	Tier 3 (50% share)	50%	10%	25%	0%	10%	5%	100%
Sale of investment property		100%	0%	0%	0%	0%	0%	100%
Sale of manse or church building to be replaced		100%	0%	0%	0%	0%	0%	100%

G. Delegations

Pursuant to provision G1 of the By-law, the Resources Board delegates its authority as follows:

- (1) The Resources Board delegates its authority to initiate the sale of property to the Presbytery and Synod Property Committee. *(By-law 18.5 D1)*
- (2) The Resources Board delegates its authority to consider and make decisions in response to a Property Proposal to sell property to the Presbytery and Synod's Manager, Property Services in respect to all property with an estimated market value of \$100,000 or less, provided that the Property Proposal has been endorsed by the Executive Officer, Pastoral Relations and Mission Planning. *(By-law 18.5 E1)*
- (3) The Resources Board delegates its authority to consider and make decisions in response to a Property Proposal to sell property to the Presbytery and Synod Property Committee in respect to all property with an estimated market value of \$2 million or less, in consultation with the Executive Officer, Pastoral Relations and Mission Planning. *(By-law 18.5 E1)*
- (4) The Resources Board delegates its authority to approve the release of funds allocated for local use from the Property Sales Accounts for approved Property Proposals to the Manager, Property Services for amounts not exceeding \$10,000. *(By-law 18.5 E1 and F6)*
- (5) The Resources Board delegates its authority to approve the release of funds allocated for local use from the Property Sales Accounts for approved Property Proposals for Property Purchases, Capital Expenditure and Major Equipment for amounts not exceeding \$50,000 to the Presbytery and Synod Property Committee. *(By-law 18.5 E1 and F6)*
- (6) The Resources Board delegates its authority to approve the release of funds allocated for local use from the Property Sales Accounts for approved local missional initiatives or for giving to approved New Church & Ministry Development projects for amounts not exceeding \$50,000 to the Executive Officer, Pastoral Relations and Mission Planning. *(By-law 18.5 E1 and F6)*
- (7) The Resources Board delegates its authority for the apportionment of funding for compliance and staff costs to the General Manager, Resources. This apportioning will be done annually and be based on the actual time taken for implementation of the Property By-law and related policies during the previous financial year. The use of funds to meet statutory compliance requirements will be managed through Synod's Property Services office.

H. Summary of Property Sale Process

Diagrammatic summaries of the processes involved in the development, approval and execution of Property Proposals are attached as follows:

Attachment 1 – where a Congregation initiates the process *(To follow when processes finalised)*

Attachment 2 – where the Resources Board initiates the process. *(As above)*

Approved by the Annual Meeting of the Presbytery and Synod, 30 October 2015

Commencement: 1 July 2016

Approved amendment to the table in F. Distribution of wider church share of Net Sales Proceeds on page 2 by the Resources Board, 21 March 2019.