



Introduction

Melbourne Archdiocese Catholic Schools Ltd (MACS) has responsibility for the management of MACS Premises, including MACS schools. This responsibility extends to the acquisition of land or premises for schools and oversight of the licence, lease and short-term hire agreements for MACS premises.

Purpose

This policy sets out the requirements for property transactions including the acquisition, disposal, licence, lease and short-term hire of MACS grounds, buildings and facilities for new and existing MACS schools.

Scope

This policy applies to:

- land, buildings and facilities that are:
 - owned by MACS
 - owned by a third party landlord
 - leased to schools as part of a Right to Use Land and Buildings Agreement (RUBLA)
- MACS Staff involved in the property transactions, including the sale, disposal, lease, licence and short-term hire, of land or premises for new and existing schools
- external consultants appointed by MACS to assist with the acquisition of land or premises
- records associated with property transactions, including sale, disposal, lease, licence and short-term hire, of land or premises for new or existing schools

Principles

- Children of Catholic families will have access to quality local Catholic primary and secondary schooling organised at a Parish or Regional level.
- As a non-government school provider, MACS is required to provide strategic justification for school provision rates for the Archdiocese of Melbourne
- Property transactions such as the sale or lease of land or premises are legally binding contracts, defining the terms of agreement between two or more parties, and are enforceable by all parties under the contract law of the applicable jurisdiction.

Policy

School site acquisition

1. MACS is responsible for school provision within the Archdiocese and will:
 - 1.1. identify the demand for Catholic schools
 - 1.2. identify the preferred location for Catholic schools
 - 1.3. determine expected timeframes for delivery of new schools
 - 1.4. acquire sites for new schools and expansion of existing schools
 - 1.5. provide support in master planning and delivery of school infrastructure
2. MACS school premises should adhere to the optimum site dimensions and include specific attributes to ensure maximum development outcomes from a site.
3. New school sites should be purchased at least two years before the new school's scheduled opening date.

4. A site should not be purchased before the decision to open a new school in the area is confirmed.
5. All transactions involving the procurement of land or premises for MACS educational facilities must be based on a fair and reasonable estimate of the land value, supported by an independent valuation assessment adopting 'highest and best use of land' methodology.
6. MACS and the Catholic Archdiocese of Melbourne (CAM) will be aware of each other's activities and provide input into broader master planning across the archdiocese to capture opportunities and synergies.
 - 6.1. MACS will notify CAM of any potential acquisition, disposal or lease of a property to or from a third party, prior to the proposal being progressed to final decision.
 - 6.2. CAM will notify MACS and affected parishes of any potential acquisition, disposal or lease to or from a third party, prior to the proposal being progressed to final decision.
7. Recordkeeping for property transactions for the acquisition or disposal of land or premises must be in accordance with the Information and Records Management Policy and Procedures.

Lease, licence and short-term hire of school property

8. Principals in MACS schools cannot sign long term leases or licences for use of school grounds, buildings or facilities.
9. Principals must consult with the Planning and Infrastructure team regarding all proposals to lease and licence school grounds, buildings or facilities.
10. The licence / lease is to be prepared by the MACS office staff, or an external law firm appointed by the school with MACS' assistance, using the approved MACS templates, as listed in the Supporting documents of this policy.
11. Short-term hire of school grounds, buildings or facilities by third parties is permissible for education, community and fundraising use, providing the activities are for Short-Term Hire Permitted Use, which includes Catholic education, recreational, sporting or cultural activities for students, the local community or young persons.
12. Principals may enter into short-term hire agreements for school grounds, buildings or facilities with third parties provided the activities are for Short-Term Hire Permitted use.
13. Short-term hire of school grounds, building or facilities by third parties for Short-Term Hire Permitted Use uses defined in this Policy for any other purpose requires the approval of a MACS Executive.
14. Short-term hire agreements are part of the financial records of a MACS school and are to be retained in line with MACS policies and procedures for information and records management.
15. Information about short-term hire agreements is to be made available to auditors and other approved organisations.
16. MACS will test compliance with this policy through internal audit and risk management reviews.

Definitions

Melbourne Archdiocese Strategic School Provision Plan (MASSP)

The Strategic School Provision Plan, and its supporting appendices, for the Archdiocese of Melbourne.

Department of Education (DE)

Victorian government department of education and training.

Development contributions

Payments or in-kind works, facilities or services provided by developers towards the supply of infrastructure required to meet the future needs of the community.

Melbourne Archdiocese Catholic Schools Ltd (MACS)

MACS is a reference to Melbourne Archdiocese Catholic Schools Ltd, and / or its subsidiaries, MACSS and/or MACSEYE (as the context requires).

Melbourne Archdiocese Catholic Specialist Schools Ltd (MACSS)

Melbourne Archdiocese Catholic Specialist Schools Ltd, a wholly owned subsidiary of MACS established to conduct and operate specialist schools.

MACS executive

A member of the executive leadership team (ELT) of MACS or the ELT as a group.

MACS premises

Any land, buildings or facilities occupied by MACS or its subsidiaries (as the context requires), including MACS's schools and offices.

MACS school or school

A school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by MACS directly or through MACSS (as the context requires). References to MACS schools or schools includes boarding premises operated by MACS schools and specialist schools operated by MACSS.

MACS staff or staff

In line with the Code of Conduct, MACS staff refers to all people who carry out work in any capacity for MACS or its subsidiaries, and includes the MACS board directors, board committee members, employees, volunteers, consultants, contractors and members of school advisory councils, as the context requires.

Non-permitted use

Usage of land outside the permitted use set out in the RUBLA.

Parish

A territory or catchment assigned to a church and parish priest or body such as canonical administrators.

Precinct Structure Plan (PSP)

The Victorian Planning Authority's detailed master plan for future development along growth corridors, informed by growth corridor plans. The plans identify alignments of transport routes, town centres, open space networks, densities of residential areas, and areas for industry and employment.

Primary school

A school with enrolments from Foundation to Year 6.

Principal

Individual appointed by MACS as the principal in a MACS school

Right to Use Land and Buildings Agreement (RULBA)

Agreement that documents the right to use arrangements on a long term basis.

Roman Catholic Trust Corporation for the Diocese of Melbourne (RCTC)

The legal entity holding all land on behalf of parishes. The RCTC holds, manages and deals with land in conformity with express trusts where applicable and otherwise as the trustees from time to time by resolution direct.

Secondary school

A school with enrolments across Year 7 to Year 12.

Short-term hire agreements

Short-term hire agreements can be approved and executed by the Principal of a MACS school using the approved MACS short-term hire agreement template. Short-term hire agreements for school grounds, buildings or facilities for community use may be on a commercial or pro-bono basis at the Principal's discretion and should not exceed 12 months in total in a single agreement.

Short-term hire permitted use

School facilities subject to short-term hire agreements must only be used for the purpose of Catholic education, recreational, sporting or cultural activities for students, the local community or young persons. Any other purpose requires the approval of a MACS Executive.

Victorian Civil and Administrative Tribunal (VCAT)

Decision making tribunal on a wide range of matters to resolve disputes for the Victorian community. Rulings by VCAT are binding on all parties.

Victorian Planning Authority (VPA)

Victorian government statutory authority reporting to the Minister for Planning.

Related policies and documents

Supporting documents

General Principles for Out of School Hours Childcare Licences Condition Report –Template
Register of Out of School Hours Childcare Occurring within Schools
MACS Precedent Out of School Hours Childcare Licence Agreement
Ground Lease Terms Sheet
MACS Precedent Lease Agreement
MACS Precedent Ground Lease Agreement (where children services are provided)
MACS Precedent Licence Agreement
MACS Occasional Licence with the Australian Electoral Commission
MACS Precedent Telecommunications Lease Agreement
MACS Precedent Facilities Hire Agreement

Related MACS policies and documents

Information and Records Management Policy – MACS Office
School Provision Planning Policy

Policy information

Responsible director	Director, Finance, Infrastructure and Digital
Policy owner	Chief Planning and Infrastructure Officer
Approving authority	Executive Director
Assigned board committee	Finance and Audit
Approval date	26 September 2024
Risk Rating	Moderate
Review by	September 2028
Publication	Gabriel, CEVN

POLICY DATABASE INFORMATION	
Assigned framework	Infrastructure
Supporting documents	See list of supporting documents and related policies above
Superseded documents	<p>School Property Licence, Lease and Short-Term Hire Policy – v1.0 – 2021</p> <p>School Property Licence, Lease and Short-Term Hire Policy – v2.0 – 2022</p> <p>School Property, Licence, Lease and Short-Term Hire Policy – v2.0 – 2023 (should read v3.0)</p> <p>School Site Acquisition Policy v1.0 – 2021</p> <p>New School Site Acquisition Policy – v2.0 – 2022</p> <p>CEM Policy 2.24 Planning for School Provision in the Archdiocese of Melbourne</p>
New policy	New