

CAMPBELLTOWN ANGLICAN SCHOOLS ORDINANCE 1985

NO. 56, 1985

AN ORDINANCE to constitute the Campbelltown Anglican Schools Council and for other matters in connection therewith.

WHEREAS

A. For some time the Church Committee of the Church of St. Peter at Campbelltown has conducted a Primary School known as "St. Peter's Anglican Primary School".

B. It is desired to establish an associated High School to be known as "Broughton Anglican College".

C. It is expedient that provision should be made for the constitution and election of a Council to carry on the Primary School and College and to vest authority in the Council for such purposes as hereinafter mentioned.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS, DECLARES, DIRECTS AND RULES as follows:

SHORT TITLE

1. This Ordinance may be cited as the "Campbelltown Anglican Schools Ordinance 1985".

PRELIMINARY

2. In this Ordinance unless the context otherwise requires or indicates

"Annual Vestry Meeting" means the annual vestry meeting of the Church of St. Peter at Campbelltown;

"Bishop" means the Bishop of Wollongong in the Diocese of Sydney;

"Church Committee" means the Church Committee of the church of St. Peter at Campbelltown;

"Churchwardens" means the Churchwardens of the church of St. Peter Campbelltown;

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"Council" means the Campbelltown Anglican Schools Council as constituted by this Ordinance.

"College" means the Broughton Anglican College;

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"Elected Member" means a member of the council pursuant to Clause 3(c), (d), (e) or (f) of this Ordinance;

"Election Meeting" shall mean the first meeting of the Church Committee after the annual vestry meeting each year;

"Member of Congregation" means a person who during the previous twelve (12) months has regularly attended divine service in the Church of St. Peter Campbelltown and does not claim to be a parishioner of any other Church;

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"Member of another Anglican Congregation" means a person who during the previous twelve (12) months has regularly attended divine service at an Anglican Church in the Diocese of Sydney other than the Church of St Peter at Campbelltown.

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"Primary School" means the St Peter's Anglican Primary School;

"Principal" means the Headmaster or teacher in charge of the College or the Primary School;

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"Rector" means the Rector of the Parish of Campbelltown;

"Synod" means the Synod of the Diocese of Sydney;

the singular includes the plural and vice versa and the masculine includes the feminine and vice versa.

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#### COUNCIL AND MEMBERS

3. The Council shall consist of the following members:-

- (a) The Bishop who shall be the President of the Council;
- (b) The Rector who in the absence of the Bishop shall act as Chairman of the Council;
- (c) Three persons who are members of the Church Committee elected by the Church Committee;
- (d) Three persons who are members of the congregation elected by the Church Committee;

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(e) Three persons who are members of the congregation each being a parent of a child attending the College or the Primary School elected by the Church Committee provided that there shall be at least one parent from each of the College and the Primary School; 60

(f) Three persons who are members of other Anglican Congregations elected by the Church Committee; 65

(g) A person who is an employee of the Council shall not be eligible to be elected to the Council.

4. The first members of the Council appointed under clause 3(c),

(d), (e) and (f) shall be:- 70

Members of the Church Committee

Mr Philip Knife

Mr Colin Middleton

Mrs Elaine Hudson

Members of the Congregation 75

Mrs Margaret Bassett

Mr Geoff Scott

Mr David Cross

Members of the Congregation being a parent

Mr John Davis 80


Mrs Rosalyn Ridley

Mr Bruce Robinson


Members of another Anglican Congregation

To be elected pursuant to clause 15

who shall hold office until the elections referred to in clause 6 hereof. 85

5. At meetings of the Council one <sup>half</sup> ~~third~~ of the members shall form a quorum. 

6. At the first election meeting following upon the passing of this Ordinance the Church Committee shall elect the members under clauses 3(c) (d), (e) and (f). 90

  
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7. (1) Of the members under clause 3(c), one will retire on the next election meeting after their election;

(2) In each of the next two succeeding years, one member under clause 3(c) shall retire on the next election meeting in such respective year.

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8. (1) Of the members pursuant to clause 3(d) one will retire on the next election meeting after the election;

(2) In each of the next two succeeding years, one member pursuant to clause 3(d) shall retire on the next election meeting in such respective year.

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9. (1) Of the members pursuant to clause 3(e) one shall retire on the next election meeting after the election;

(2) In each of the next two succeeding years, one member pursuant to clause 3(e) shall retire on the next election meeting in such respective year.

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10. (1) Of the members pursuant to clause 3(f) one shall retire on the next election meeting after the election;

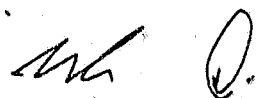
(2) In each of the next two succeeding years, one member under clause 3(f) shall retire on the next election meeting in such respective year.

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11. As soon as conveniently may be after the election of members under clauses 3 and 6, to establish the orderly retirement of such members by rotation for the succeeding years and until all such members elected under clause 6 have retired, the members of that group (or the available members of that group, a decision of the council, made in good faith, on any question of availability being final) shall determine (by agreement or failing agreement by lot) which of the members shall retire by rotation in accordance with clauses 7, 8, 9 and 10 and shall forthwith report the determination to the Chairman in writing signed by the persons taking part in the determination and the Chairman shall inform the President of the determination.

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12. Subject to clauses 7, 8, 9, 10, 13 and 14 the term of office of an elected member shall be three (3) years.

13. Subject to clause 14 hereof a retiring elected member shall be eligible for re-election and notwithstanding anything contained in this Ordinance shall remain a member and continue to hold any office to which he may have been elected or appointed by the Council until the vacancy caused by his retirement has been duly filled.

14. (1) A casual vacancy shall occur if a member of the Council other than the Bishop:-

(a) dies;

(b) resigns his office by writing addressed to the Chairman or, in the case of the Chairman, by writing addressed to the President, and in such case shall unless the writing specified a later date be deemed to occur when the Chairman or President (as the case may be) receives the writing;

(c) ceases to have any qualification which was necessary for his election or appointment;

(d) becomes bankrupt or signs an authority effective under Section 188 of the Bankruptcy Act 1966 as amended or applies to take the benefit of any law for the relief of bankruptcy or insolvent debtors or compounds with or assigns his property for the benefit of his creditors;

(e) becomes within the meaning of the Mental Health Act 1958 as amended an incapable person, a patient, a protected person or a voluntary patient;

(f) being an elected member is for a continuous period of three months absent without leave of the Council from meetings of the Council held during that period; or

(g) attains the age of 70 years.

(2) A casual vacancy shall occur if the Church Committee at a meeting of the Church Committee duly convened expressly for the

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purpose passes by majority of not less than two thirds of the members of the Church Committee present and voting a resolution that the office of an elected member be declared vacant provided that before that meeting the Church Committee shall have:-

- (a) informed the member of the proposed resolution and the grounds on which it will be proposed; and 160
- (b) given the member a reasonable opportunity at a meeting of the Church Committee duly convened expressly for the purpose of showing cause why his office should not be declared vacant.

15. A casual vacancy in the office of an elected member shall be filled by the election of a new member by the Church Committee. 165  
A person who becomes a member of the Council pursuant to this clause shall hold office until and retire on the day on which the person whose vacancy was filled would have retired had the vacancy not occurred. 170

16. (1) The President when present shall preside at meetings of the Council.

(2) The President may from time to time by notice in writing addressed to the Chairman appoint (and change the appointment of) a deputy who shall be entitled to attend all meetings of the Council and in the absence of the President the deputy shall act as a member of the Council and shall have a deliberative vote. A deputy President shall continue in office during a vacancy in the office of the Bishop. 175

(3) In the absence of both the President and the Chairman, the meeting may appoint one of the members of the Council then present to act as Chairman of the meeting. 180

(4) The person presiding at a meeting shall have both a deliberative vote and a casting vote at that meeting.

(5) For the purposes of establishing a quorum a deputy appointed by the President shall in the absence of the President be reckoned as a member of the Council 185

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(6) Subject to the concurrence of the Chairman the Council may invite any person not a member of the Council to be present for the whole or any part of the meeting.

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#### DUTIES AND POWERS OF COUNCIL

17. (1) The Council shall administer the funds of the Primary School and College presently held by the Church Committee and manage the Council's other assets and may acquire further assets for the purposes of the Primary School and College and all real and personal property acquired by it for such purposes shall be church trust property for the Diocese of Sydney.

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(2) The Council shall establish and manage and conduct the affairs of the Primary School and College in accordance with the provisions of every Act of Parliament and Ordinance (including this Ordinance) specifically or otherwise applicable to the School.

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(3) The Council shall make financial and other arrangements and decisions for the present and future conduct of the Primary School and College.

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(4) The Council shall maintain, improve, extend and add to the lands premises and other property of any kind held occupied or used directly or indirectly by the Council in connection with the Primary School and College, subject to approval by the Churchwardens and the Church Committee.

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18. In appointing any person to be Principal the Council shall (in addition to the other requirements of the position) appoint a person of Christian faith and character who is committed to furthering and is capable of furthering the cause of Christian education in the Primary School or College as church schools. Any person proposed to be appointed as Principal shall give a personal assent to the Apostles Creed and to the 39 Articles of Religion of the Church of England as set out in the Book of Common Prayer

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19. The Schools Chapels and Chaplains Ordinance 1975 shall apply

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to every school established by the Council.

20. Subject to this Ordinance the Council shall have all powers necessary to enable it to perform the duties imposed upon it by this Ordinance, and in particular shall have the following powers:-

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(a) To manage and conduct the Primary School and College and their affairs and to govern and control the management and user of the church trust property held in connection therewith in such manner as it may deem expedient for the benefit of the Primary School and College.

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(b) To approve the courses of instruction consistent with the objects of the Primary School and College referred to in the preamble hereto.

(c) To control the admission withdrawal suspension and expulsion of pupils and to regulate all matters in connection with the order and discipline of the Primary School and College with power to delegate or refer all or any of such matters to the Principal thereof in accordance with the terms and conditions of the Principal's appointment or engagement.

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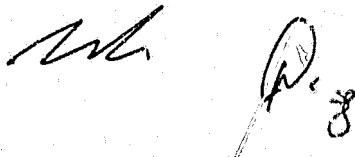
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(d) To appoint and suspend or remove the Principal provided that any resolution for suspension or removal of the Principal shall be supported by not less than two-thirds of the members of the Council currently holding office, provided further that before that meeting the Council shall have:

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- (i) informed the Principal of the proposed resolution and the grounds on which it will be proposed; and
- (ii) given the Principal a reasonable opportunity at a meeting of the Council duly convened expressly for the purpose of showing cause why he should not be suspended or removed.

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- (e) To approve the appointment or dismissal of teachers by the Principal and appoint such other officers as it may consider necessary to enable it to fulfill its objects. 255
- (f) Subject to the provisions hereof, to regulate its own proceedings and for that purpose it shall have power to make rescind or alter regulations.
- (g) To authorize any person or persons to do any act on its behalf. 260
- (h) To appoint sub-committees of the Council either generally or specifically and to co-opt non-Council members to such sub-committees.
- (i) To require the Principal to furnish regularly to the Council such reports as it desires relating to the Primary School and College. 265
- (j) To borrow or raise money and secure the repayment thereof with or without interest in such manner as the Council may think fit and to secure the same or the repayment or performance of any debt contract guarantee or other liability incurred or entered into by the Council in any way and in particular by charging all or any of the lands premises and other property of any kind both present and future owned by the Council or occupied or used directly or indirectly by it in connection with the Primary School and College provided that the Council shall not exercise any power to borrow monies of the amount which it proposed to borrow when added to the amount of all monies borrowed by it prior thereto and not repaid prior thereto exceeds one million two hundred & fifty thousand dollars (\$1,250,000) or such other amount as may have been last approved by resolution of the Standing Committee. 275 280
- (k) To invest and deal with monies in accordance with the provisions of the Investment of Church Trust Property 285

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Ordinance 1978 as amended from time to time or any such other form or forms of investment as shall be approved by resolution of the Standing Committee at the request of the Council provided that no such approval shall be effective for a period in excess of three years.

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(l) To purchase take on lease or on hire or in exchange or otherwise by any means whatsoever acquire any real or personal property and any rights or privileges which the Council may think fit.

(m) To sell improve manage develop exchange lease dispose turn to account or otherwise deal with all or any part of the lands premises and other property of any kind owned by the Council or occupied or used directly or indirectly by it in connection with the Primary School and College, subject to approval by the Churchwardens and the Church Committee.

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(n) To enter into contracts of any kind (including contracts of guarantee and indemnity) and to draw make accept endorse discount execute and issue cheques and other negotiable or transferable instruments.

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(o) To lend and advance money or give credit to any person or company whether on security or not and to take such security (if any) as the Council may think fit for money lent or advanced or credit given by it.

(p) To employ or appoint or cause to be employed or appointed such persons on such terms and conditions and for such periods as the Council or any person thereto authorised may think fit, and to dismiss or cause to be dismissed or terminate or cause to be terminated the appointment of any person so employed or appointed.

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(q) To appoint such executive or other committee with such powers and duties and to delegate thereto or to a member or employees such matters as the Council may think fit.

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(r) To solicit and accept real or personal property of any kind by way of gift, subsidy or subvention as the Council may think fit. 320

(s) To consult with the councils or governing bodies of other church schools and independent schools on matters of common interest and subject to this Ordinance to join with such councils or governing bodies in endeavours to:- 325

(i) maintain proper standards of education; 330  
(ii) preserve and further freedom of choice in education by parents and guardians of children; and

(iii) regulate relationships with Federal State and Local Governments.

(t) To make such rules regulations or by-laws not inconsistent with this Ordinance as the Council may think fit. 335

21. (1) The Council shall not execute or deliver and shall not have power to execute or deliver any mortgage, charge, debenture, guarantee indemnity or promissory note unless the following clause is included therein:-

"Notwithstanding anything contained herein to the contrary each of the parties hereto acknowledge and agree that the Council of The Campbelltown Anglican Schools shall not be liable to any other party hereto for any amount whatsoever (whether by virtue of any express or implied obligation) beyond such amount (if any) as the Council of the Campbelltown Anglican Schools may be able to pay to that party in the event of the Council being wound up", 340 345

and such clause is not made subject to any qualification.

(2) The Council shall not execute or deliver any bill of exchange or other negotiable instrument other than a cheque drawn 350

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on the Council's Bank except in accordance with the Investment of Church Trust Property Ordinance 1978 as amended from time to time.

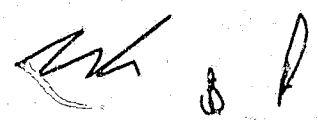
22. (1) The Council shall be solely responsibly for all 355 liabilities incurred by it or on its behalf.

(2) The Council and its members and each of them shall not represent to any person or persons or corporation that the Archbishop of Sydney or the Synod of the Diocese of Sydney or the Standing Committee thereof or any person or persons or 360 any other corporate body or corporation holding church trust property for the Anglican Church of Australia in the Diocese of Sydney or any other corporate body constituted by or pursuant to the Anglican Church of Australia (Bodies Corporate) Act, 1938 shall or may meet or discharge all or 365 any part of any liability or liabilities which have been or may or will be incurred wholly or partly by or on behalf of the Council.

23. Every order for goods and services or business letter involving the securing of credit for the supply of goods or 370 services to the School issued by or on behalf of the Council shall contain the name of the Council and immediately thereafter or thereunder the words "Incorporated under Act of Parliament and constituted by the Campbelltown Anglican Schools Ordinance 1985." The same information shall be shown adjacent to every 375 application of the common seal.

24. (1) Members of the Council shall be indemnified out of the property of the Primary School and College for any liability properly incurred by the Council for which they may become personally liable in so far as such liability was not incurred by 380 reason of their misconduct or wilful default.

(2) Nothing in this Ordinance shall be construed or deemed, by implication or otherwise, to limit or restrict:-



(a) any of the powers, duties, rights, privileges or responsibilities which immediately before the passing of 385 this Ordinance attached to the Church Committee; or

(b) the duties and responsibilities created by the Accounts Ordinance 1975 as amended from time to time.

(3) If another Ordinance in so far as it relates to Primary School and College is inconsistent with this Ordinance other than 390 the Sydney Church Ordinance 1912 as amended from time to time and the Accounts Ordinance 1975 as amended from time to time and the Schools Chapels and Chaplains Ordinance 1975 as amended from time to time this Ordinance shall prevail and the other Ordinance shall, to the extent of the inconsistency be inoperative. 395

25. The members of the Council shall be indemnified out of the property from time to time under the control of the Council against any loss or liability which they or any of them may have properly incurred for and on behalf of the Primary school and College and to which they or any of them may be subject by reason 400 of his or her being or having been a member of the Council.

26. The Council shall forward the minutes of all of its meetings to the Church Committee and at least once in every year present a report on its proceedings and the progress and conditions of the Primary School and College to the Synod and the Church Committee 405 and shall furnish such other information as may be required from time to time by resolution of Synod or the Standing Committee thereof or the Church Committee.

27. The Council shall comply with the provisions of the Accounts Ordinance 1975 as amended from time to time. 410

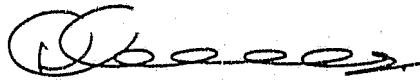
NAME OF COUNCIL

28. The name of the Council constituted by this Ordinance shall be the "Campbelltown Anglican Schools Council".

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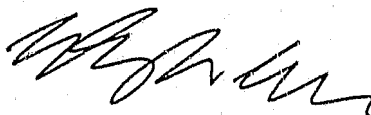
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I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.



Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the *10th* day of *December* 1985.



Secretary.

I ASSENT to this Ordinance.



Archbishop of Sydney.

20 / 12 / 1985

