

Cathedral Ordinance 1969 Amendment Ordinance 2010

No 30, 2010

Long Title

An Ordinance to amend the Cathedral Ordinance 1969.

Preamble

A. St Andrew's Cathedral School (the "Cathedral School") is duly constituted under the Cathedral Ordinance 1969 and the Council of St Andrew's Cathedral School Incorporation Ordinance 1978.

B. The Council of St Andrew's Cathedral School (the "Council") has established a new school known as "Gawura" and the Council wishes to have this school recognised as a separate school from the Cathedral School.

C. The Council and the Chapter of St Andrew's Cathedral (the "Chapter") having formed the Cathedral School, have resolved to request Standing Committee to amend the Cathedral Ordinance 1969 (the "Principal Ordinance") to enable St Andrew's Cathedral School to operate more than one school.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Cathedral Ordinance 1969 Amendment Ordinance 2010.

2. Amendments

The Principal Ordinance is amended as set out in this clause –

- (a) In clause 3, the following definitions are hereby inserted in alphabetical order –
"Council" means the Council constituted by clause 25.

"Other School" means such School or Schools other than the Cathedral School as the Council may establish pursuant to this Ordinance with the prior approval of the Chapter."

- (b) Clause 24 is hereby amended as follows –
- (i) To insert the words "and any Other School established by the Council" after the first occurrence of the words "Cathedral School";
 - (ii) To insert the words "and any Other School" in paragraphs 24(a) and (b) after the words "Cathedral School";
 - (iii) By deleting at the end of clause 24(b) "." and inserting "; and";
 - (iv) In sub-paragraph (1)(b) add the words "or any Other School" after "Cathedral School";
 - (v) In sub-paragraph (2) insert the words "or any Other School" after the words "Cathedral School";
 - (vi) By inserting the following provision as clause 24A immediately following clause 24 –

"24A. Authority to establish and operate Other Schools

The Council is hereby authorised to establish and operate such Other School as the Council may determine with the prior consent of the Chapter and such Other School may be operated by the Council as a separate School from the Cathedral School and such Other School shall also be governed by the Council in accordance with clause 24 and 25 of this Ordinance and the Schedule."

- (c) In clause 25 –
- (i) Insert the words "and Other Schools" at the end of the title;
 - (ii) Insert the word "Cathedral" before the word "School" where it first appears;
 - (iii) Insert the following sub-paragraph immediately prior to sub-paragraph (2) –

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"(2) The Council shall –

- (a) be responsible for managing any Other School separately established by the Council, and
- (b) govern, manage and control all land, buildings, plant and equipment and all books and moveable records of any other School separately established by the Council,

and the powers, authorities, duties and functions contained in the regulations in the Schedule shall apply to any Other School established by the Council in addition to the Cathedral School.",
and

(iv) Renumber clause 25(2) as 25(3).

(d) The Schedule to the Principal Ordinance is hereby amended as follows –

(i) Regulation 2 is hereby amended by –

- (A) Substituting the word “clergyman” where it appears in paragraphs (c) and (e) with the words “member of clergy”,
- (B) Substituting the words “Old Boys’ Union of the School” with the words “Old Andreans’ Association”;

(ii) Insert a new sub-regulation 2(6) as follows –

"(6) A person is not to take up their position as a member of the Council or function in any other capacity on behalf of the Council unless the person has first signed and lodged with the Council the form of declaration as set out in the Schedules hereto. The persons referred to in regulation 2 (1)(b), (c), (d), (e), (f) and (g) must sign the declaration referred to in Schedule 1 whilst a person referred to in regulation 2(1)(h) and (i) must either sign the declaration set out in Schedule 1 or the declaration set out in Schedule 2."

(iii) In regulation 4 substitute the word “his” where it appears with the words “his or her”.

(iv) In regulation 6(1) –

- (A) Substitute the word “he” where it appears with the words “he or she”, and
- (B) Insert the following new sub-regulation –

"(h) If he or she is unable to continue to confirm at any time the declaration to which the person ascribed as set out in the Schedules hereto."

(v) In regulation 7 substitute the words “Old Boys’ Union” with the words “Old Andreans’ Association”.

(vi) In regulation 12 –

- (A) Insert the word “Cathedral” before the word “School”, and
- (B) Insert the words “and any other School” after the second occurrence of the word “School”, and
- (C) Delete the word “Headmaster” where it appears and insert the word “Head”.

(vii) The following regulations shall be included in the Schedule and shall replace the present regulations 13 and 14 –

"13. (1) The Head shall provide an annual report to the Council at a regular business meeting of the Council as to the Christian involvement of the staff members of the Cathedral School and any Other School as a whole.

(2) The Head shall furnish to the Council such reports as the Council may require relating to the Cathedral School and any Other School operated by the Council.

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(3) For the purposes of these regulations the reference to “Head” means the person appointed as Headmaster, Headmistress or Principal of the Cathedral School and any Other School operated by the Council.

14. (1) The Council must indemnify each person who is, or has been, a member of the Council against any liability which results directly or indirectly from facts or circumstances relating to the person serving or having served as a member of the Council other than a liability –

- (a) owed to the Council or a related body corporate, or
- (b) for a pecuniary penalty order under Section 1317G of the Corporations Act or a Compensation Order under Section 1317H of the Corporations Act, or
- (c) that is owed to someone other than the Council or a related body corporate and did not arise out of conduct in good faith.

This sub-regulation 14(1) does not apply to a liability for legal costs.

(2) The Council must indemnify each person who is, or has been, a member of the Council against legal costs incurred in defending an action for a liability which results directly or indirectly from facts or circumstances relating to the person serving or having served as a member of the Council other than costs which are incurred –

- (a) in defending or resisting proceedings in which the person is found to have a liability for which they could not be indemnified under sub-regulation 14(1), or
- (b) in defending or resisting criminal proceedings in which the person is found guilty, or
- (c) in defending or resisting proceedings brought by the Australian Securities and Investments Commission or a liquidator for a court order if the grounds for making the order are found by the court to have been established, or
- (d) in connection with proceedings for relief to the person under the Corporations Act in which the court denies the relief.

This sub-regulation 14(2) does not apply to costs incurred in responding to actions taken by the Australian Securities and Investments Commission or a liquidator as part of an investigation before commencing proceedings for the court order.

(3) For the purpose of sub-regulation 14(2), the outcome of proceedings is the outcome of the proceedings and any appeal in relation to the proceedings.

(4) The Council need not indemnify a person under either or both of sub-regulation 14(1) and sub-regulation 14(2) for a liability to the extent that the person is entitled to an indemnity for that liability under a contract of insurance.

(5) The Council may pay, agree to pay, or cause to be paid a premium for a contract insuring the person who is, or has been, a member of the Council against any liability which

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results directly or indirectly from facts or circumstances relating to the person serving, or having served, in that capacity other than a liability arising out of –

- (a) conduct involving a wilful breach of duty in relation to the Council, or
- (b) the improper use of information by the person, obtained because the person is, or has been, a member of the Council to gain an advantage for that person or another person or to cause detriment to the Council; or
- (c) the improper use of the person's position as a member of the Council to gain an advantage for himself or herself or for another person or to cause detriment to the Council.

This sub-regulation 14(5) does not apply to a liability for legal costs.

(6) The Council may pay, agree to pay, or cause to be paid a premium for a School Contract insuring a person who is, or has been, a member of the Council against legal costs incurred in defending an action for a liability which results directly or indirectly from facts or circumstances relating to the person serving, or having served, in that capacity.

(7) The obligations and powers under sub-regulations 14(1), 14(2), 14(5) and 14(6) are incurred or are to be exercised (as the case may be) only to the extent permitted by law.”

- (viii) In regulation 15 –
 - (A) Substitute the word “School” with the matter “Cathedral School, and any Other School”;
 - (B) Delete the word “Headmaster” and insert instead the word “Head”;
and
 - (C) Insert the words “or her” after the word “his”.
- (ix) In regulation 16A substitute the words “Old Boys’ Union” where they appear with the words “Old Andreans’ Association”.
- (x) In regulation 17 substitute the word “School” with the words “Cathedral School or any Other School”.
- (xi) The following further regulations shall be added to the regulations –

“18. Meetings by way of an approved communications link

(1) If, through an approved communications link, one or more members of the Council absent from the place of meeting can hear and be heard by not only one another (if more than one) but also the other members present at the place of meeting, such of those absent members and the other members present at the place of meeting who are able to hear and be heard by one another are to be taken to be assembled together at a meeting held at that place. All proceedings conducted with the aid of the approved communications link are to be as valid and effectual as if they had been conducted at a meeting at which all of those members were present.

(2) In sub-regulation 18(1), “approved communications link” means a link established by means of any system of telephone, audio or audio-visual communication approved by

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the members of the Council and made known to each member for the purpose of any meeting of the members.

19. Circular Resolutions

(1) In extraordinary circumstances if a document containing a statement that the signatories to it are in favour of a resolution in the terms set out or otherwise identified in the document has been signed by all the members of the Council, a resolution in those terms shall be taken to have been passed at a meeting of the members of the Council held on the day on which and at the time at which the document was last signed by a member.

(2) For the purposes of sub-regulation 19(1) –

- (a) 2 or more separate documents containing statements in identical terms each of which is signed by 1 or more members together are to be taken to be 1 document containing a statement in those terms signed by those members on the respective days on which they signed the separate document; and
- (b) a facsimile message which is received by the Secretary of the Council and is expressed to have been sent by a member shall be taken to be a document signed by that member at the time of the receipt of the facsimile message by the Secretary of the Council.

20. Attendance of other persons at meetings of the Council

(1) The President may attend any meeting of the members of the Council and may –

- (a) put before the members any question or proposal for their consideration, or
- (b) express his views on any question or proposal being considered by the members of the Council.

(2) The Council may invite any person who is not a member of the Council to be present for the whole or part of any meeting of the Council.

21. Appointment of the Head

(1) In appointing a person to be the Head, the Council will (in addition to the other requirements of the position) appoint a person of Christian faith and character who is committed to furthering allegiance to Christ as Lord and the cause of Christian education in the Cathedral School and any Other School. Prior to accepting appointment, the Head must sign and lodge with the Chairman of the Council the statement of Personal Faith and Support for the Christian ethos and charter of the Council set out in Schedule 1.

(2) The Council is to observe the following protocol in selecting and appointing a person as Head –

- (a) prior to the beginning of the selection process, the Chairman of the Council is to brief the President on the proposed process and the composition of any selection committee and seek the President's views on the principles of selection and the process involved, and

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- (b) the President is to be invited to be involved in the final interview process, and
- (c) the President is to be consulted if any significant issue arises during the final interview process of which he should be aware, and
- (d) the President is to be immediately notified upon acceptance of any offer for the position of Head.

22. Advertising for Staff

No position for teaching in the Cathedral School or any Other School is to be advertised without the Council stating in the advertisement its commitment to being a Christian School and to furthering Christianity through the School and inviting applications from those who will be committed to the Christian aims of the School."

- (xii) Insert at the end of the Schedule the following Schedules 1 and 2 –

"Schedule 1

Statement of personal faith and support for the Christian ethos and charter of the St Andrew's Cathedral School Council (the 'Council')

1. I believe and hold to the truth of the Christian faith as set forth in the Apostles' Creed.
*I believe in God, the Father Almighty,
maker of heaven and earth;
and in Jesus Christ, his only Son our Lord,
who was conceived by the Holy Spirit,
born of the virgin Mary, suffered under Pontius Pilate,
was crucified, dead, and buried.
He descended into hell.
The third day he rose again from the dead
He ascended into heaven,
and is seated at the right hand of God the Father almighty;
from there he shall come to judge the living and the dead.
I believe in the Holy Spirit;
the holy catholic church;
the communion of saints;
the forgiveness of sins;
the resurrection of the body,
and the life everlasting.*
2. In particular I believe –
 - (a) there is only one way to be reconciled to God which is through his Son, Jesus Christ, who died for our sins and was raised for our justification;
 - (b) we are justified before God by faith only; and
 - (c) that God's word written, the Bible, is the supreme authority in all matters of faith and conduct.
3. I shall endeavour to fulfil my duties as a member of the Council to which I am elected or appointed [or as the Head of the St Andrew's Cathedral School] in accordance with the Christian ethos and charter of the Council.

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4. I agree that my continuance as a Council member [or Head] is dependent upon my continuing agreement with this statement and I undertake to resign if this ceases to be the case.

Confirmed
(signature)

Schedule 2

**Statement of support for the Christian ethos and charter of the
St Andrew's Cathedral School Council (the 'Council')**

1. I acknowledge that the Council to which I am elected or appointed aims to educate young people in ways consistent with the teaching of the Bible and the gospel of Jesus Christ, and to this end I support the Council's commitment to maintain and uphold the Christian faith in teaching and practice.
2. I shall endeavour to fulfil my duties as a member of the Council to which I am elected or appointed in accordance with the Christian ethos and charter of the Council.
3. I agree that my continuance as a Council member is dependent upon my continuing agreement with this statement and I undertake to resign if this ceases to be the case.

Confirmed
(signature)"

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

R TONG
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 15 November 2010.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
07/12/2010