

The Macarthur Region Anglican Church School Amendment Ordinance 1993

No 10, 1993

An Ordinance to amend The Macarthur Region Anglican Church School Ordinance 1982.

Whereas it is expedient to amend The Macarthur Region Anglican Church School Ordinance 1982 (the "Principal Ordinance").

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.

1. This Ordinance may be cited as "The Macarthur Region Anglican Church School Amendment Ordinance 1993".
2. The Principal Ordinance is amended -
 - (a) by omitting from clause 2(j) the words "as amended";
 - (b) by omitting clauses 2(e), 4, 6 and subclause (4) of clause 12;
 - (c) by omitting from clauses 2(f), 11 and 15 the word "Principal" wherever it appears and inserting the word "Headmaster";
 - (d) by inserting in clause 2(g) after the word "School" where it secondly appears the words "commonly called Macarthur Anglican School";
 - (e) by omitting from clause 2(i) the words "clauses 3(g) and (h)" and inserting instead "clause 3(1)(f)";
 - (f) by omitting clause 3 and by inserting instead -
 - "3. (1) The Council shall consist of the following members -
 - (a) The Archbishop who shall be the President;
 - (b) The Bishop of Wollongong or such other person appointed by the Archbishop who shall be the Deputy President;
 - (c) The Archdeacon of Wollongong and Camden;
 - (d) A clergyman and a lay person appointed by the Archbishop;
 - (e) A clergyman and a lay person appointed by the Regional Council; and
 - (f) Eight persons elected by Synod;Provided that a majority of the Council shall be communicant members of the Anglican Church of Australia.
 - (2) The Deputy President if he so desires shall be the Chairman of the Council, provided that if the Deputy President does not desire to be the Chairman of the Council he shall so notify the Council prior to or at the next ordinary meeting of the Council held after the first ordinary session of each Synod, whereupon the Archdeacon of Wollongong and Camden shall be the Chairman of the Council if he so desires, provided further that if the Archdeacon of Wollongong and Camden does not desire to be the Chairman of the Council he shall so notify the Council prior to or at the next ordinary meeting of the Council held after the first ordinary session of each Synod and the Council shall elect one of its number as the Chairman of the Council.
 - (3) A person who is an employee of the Council shall not be eligible to be elected or appointed to the Council.
 - (4) A person of or above the age of 72 years is not eligible to be elected or appointed to the Council.";
- (g) by omitting clause 7 and by inserting instead -
 - "7. (1) Subject to clauses 8, 9 and 10, the term of office of the Synod members shall be three years and -
 - (a) four shall retire on the first day of the first ordinary session of each Synod;
 - (b) two shall retire on the first day of the second ordinary session of each Synod; and
 - (c) two shall retire on the first day of the third ordinary session of each Synod.
 - (2) The Synod members to retire under this clause shall be those who have held office the longest since last being elected but, in the case of competition, shall be determined by the Synod members concerned. Where the Synod members cannot agree, the order of retirement shall be determined by lot. The term of office of a Synod member who was elected to fill a casual vacancy shall be determined in accordance with clause 10.";
- (h) by omitting clause 11 and by inserting instead -
 - "11. (1) The President when present may be Chairman of meetings of the Council.
 - (2) In the absence of the President the Deputy President when present may be Chairman of meetings of the Council.
 - (3) In the absence of the President and the Deputy President the Chairman of the Council shall be Chairman of the meetings of the Council.
 - (4) In the absence of the President, the Deputy President and Chairman of the Council at a meeting of the Council, the meeting shall appoint one of its number then present to be Chairman of that meeting.
 - (5) The Chairman of the meeting shall have both a deliberative and a casting vote.
 - (6) Subject to the concurrence of the Chairman of the Council, the Council may invite any person not being a member of the Council to be present for the whole or part of any meeting of the Council.";
- (i) by inserting in clause 16 the matter "(1)" before the words "The members", and by inserting the following subclauses at the end of that clause -
 - "(2) The Council shall remain and continue to be solely responsible for liabilities incurred by it or on its behalf.
 - (3) The Council and its members and each of them shall not represent to any person, persons, or corporation that the Archbishop or the Synod or the Standing Committee or any person or persons or 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

The Macarthur Region Anglican Church School Ordinance 1993

(Bodies Corporate) Act 1938, shall or may meet or discharge all or 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.

(4) The Council shall not execute or deliver or shall not have power to execute or deliver any mortgage, charge, debenture, guarantee, indemnity or promissory note or bill of exchange or other negotiable instrument other than a cheque drawn on the Council's bank unless the following clause is included therein -

“Notwithstanding anything contained herein to the contrary each of the parties hereto acknowledge and agree that The Macarthur Region Anglican Church School 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 Macarthur Region Anglican Church School may be able to pay to that party in the event of the Council being wound up.”

and such clause is not made subject to any qualification.”;

- (j) by omitting from clause 18 the matter “as amended from time to time”; and
- (k) by omitting the Schedule to the Ordinance.

3. The members of the Council holding office pursuant to sub-clauses 3(g) and 3(h) of the Principal Ordinance prior to the date of the passing of this ordinance shall continue in office until the next session of Synod after the passing of this ordinance.

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

N.M. Cameron
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 27th day of April 1993.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

J.R. Reid
Administrator of the Diocese of Sydney
27/4/1993