

TRINITY GRAMMAR SCHOOL CONSTITUTION  
(AMENDMENT) ORDINANCE 1977

No. 27 1977

AN ORDINANCE to amend the constitution of the Council of Trinity Grammar School.

WHEREAS by the Trinity Grammar School Ordinance 1928-1961 as amended (hereinafter called the "Principal Ordinance") a Council was appointed to manage and carry on the said School and its affairs AND WHEREAS the said Council is a body corporate under the provisions of the Church of England (Bodies Corporate) Act 1938 AND WHEREAS it is expedient to vary the constitution of the said Council and to make consequential alterations to the Principal Ordinance NOW THEREFORE the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. Clause 5 of the Principal Ordinance is hereby omitted and the following substituted in lieu thereof:-

"5. The said Council shall consist of 18 members namely:-

- (a) The Archbishop of the Diocese of Sydney for the time being; provided that in the absence of the Archbishop from the Diocese of Sydney the Commissary or during a vacancy of the See the Administrator of the Diocese shall be entitled to attend meetings of the Council ex officio and to vote thereat.
- (b) Three persons appointed by the Trinity Grammar School Old Boys Union so long as such Union is in existence and consists of no less than 50 financial members.
- (c) Twelve other persons to be appointed by Synod of whom six shall be clergymen and six shall be lay persons.
- (d) Two other persons to be elected by the said Council".

2. Clause 5A of the Principal Ordinance is hereby omitted and the following substituted in lieu thereof:-

"5A. The two persons to be elected in accordance with sub-clause

5(d) hereof shall be elected as follows:-

(a) Each member may by writing addressed to the Chairman nominate two persons for election.

35 (b) Every member who nominates a person shall signify in writing to the Chairman that that nominee consents to serve, if elected, for the appropriate term.

(c) At least fourteen days' notice in writing of the date for the closing of nominations shall be given to each member.

40 (d) If there is no greater number of nominees than there are vacancies, the Chairman shall declare the nominees duly elected.

(e) In the event of there being a greater number of nominees than there are vacancies a ballot shall be held.

45 (f) At least fourteen days' notice in writing of the date for the ballot shall be given to each member and the notice shall include the names ages addresses and occupations of the nominees and such other material as the Chairman may deem appropriate or as the Council may from time to time determine.


50 (g) Any ballot shall be conducted by secret ballot at a special ordinary meeting of the Council or by registered post as the Council may determine.

(h) On the taking of a ballot:-

55 (i) where there is one vacancy to be filled:-

(a) the Chairman shall declare the nominee with the greater or greatest number of votes to have been elected; or

60 (b) where two or more nominees receive an equal number of votes, any nominees receiving a lesser number of votes shall be eliminated and a further ballot taken in respect of the remaining nominees.



If all nominees or two or more remaining nominees receive an equal number of votes, the candidate to be elected shall be determined by the Chairman.

(ii) where there are two vacancies to be filled:-

(a) the Chairman shall declare the two nominees who have each received a higher number of votes than the number of votes received by any of the other nominees to have been elected; or

(b) where more than two nominees receive an equal number of votes, any nominees receiving a lesser number of votes shall be eliminated and a further ballot taken in respect of the remaining nominees.

If all nominees or more than two remaining nominees receive an equal number of votes, the candidates to be elected shall be determined by the Chairman.

(i) The term of office of a member elected under this clause shall be:-

(A) except as provided by paragraph (B) - 3 years; or

(B) in respect of the first two members elected pursuant to this clause:-

(a) three years in the case of the member receiving the greater number of votes, or, where neither member received a greater number of votes than the other, the member who is selected following a determination by lot by the Chairman; and

(b) eighteen months in the case of the other member.

3. Immediately after clause 5A of the Principal Ordinance the following new clause is to be inserted, namely:-

"5B. The Council shall elect from time to time from amongst its members a Chairman who shall during the ensuing period of three years, in the absence of the Archbishop, the Commissary or Administrator as the case may be,

preside at meetings of the Council provided that in the absence of the Chairman and the Archbishop, Commissary and Administrator as the case may be, the meeting may appoint one of the other members then present to act as Chairman of that meeting".

4. Immediately after clause 8 of the Principal Ordinance the following new clause is to be inserted namely:-

"8A. Whenever a vacancy shall occur in the said Council amongst the members elected by the said Council such vacancy shall be filled by the election of a new member by the said Council. Any member so elected by the said Council shall remain in office only until the end of the term of the member creating such vacancy".

5. Clause 15 of the Principal Ordinance is hereby amended by deleting the word "laymen" and by inserting the words "lay persons" in its place.

6. Immediately after clause 17A the following new clause is to be inserted namely:-

"17B. (a) The Council shall remain and continue to be solely responsible for all liabilities incurred by it or on its behalf.

(b) 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 any other corporate body or corporation holding church trust property for the Church of England in the Diocese of Sydney or any other corporate body constituted by or pursuant to the Church of England (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.

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(c) The Council shall not exercise any power to borrow moneys if the amount which it proposes to borrow, when added to the amount of all moneys borrowed by it prior thereto and not repaid prior thereto, exceeds One million five hundred thousand dollars (\$1,500,000) or such other amount as may have been last approved by resolution of the Standing Committee.

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(d) 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 any bill of exchange or other negotiable instrument other than a cheque drawn on the Council's bank unless the following clause is included therein:-

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"Notwithstanding anything contained herein to the contrary, each of the parties hereto acknowledge and agree that The Council of Trinity Grammar 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 Trinity Grammar School may be able to pay to that party in the event of The Council of Trinity Grammar School being wound up"

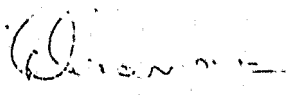
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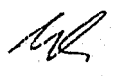
and such clause is not made subject to any qualification.

7. This Ordinance may be cited as "Trinity Grammar School Constitution (Amendment) Ordinance 1977".


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



Chairman of Committees.

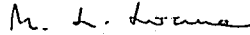



I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 22<sup>nd</sup> day of August 1977.



Secretary.

I ASSENT to this Ordinance.



Archbishop of Sydney.

22/8/1977.