

APPENDIX No. 47.

ORDINANCE. BARKER COLLEGE.

(As Passed.)

AN ORDINANCE to acquire the School known as "Barker College" and to regulate the Constitution of the Council of the said School and the management of its affairs and to provide for the course of instruction to be imparted therein and for other matters in connection with the order and discipline thereof.

WHEREAS on behalf of the Church of England the School "Barker College" situated near Hornsby in the State of New South Wales has been acquired by certain members of the Church of England as from the 1st day of January One thousand nine hundred and nineteen from William Charles Carter Esquire by virtue of a certain Agreement dated the eleventh day of November One thousand nine hundred and eighteen for the purpose of establishing the said School as a Great Public School governed by a Council under the auspices of the Church of England AND WHEREAS since the date of such acquisition the said Barker College has been under the government of a Council consisting of fifteen persons with the Archbishop as President *ex officio* AND WHEREAS it is expedient to confirm and endorse the action of the said members and to adopt the said School and to make rules and regulations touching the constitution thereof and the appointment and powers of the Council of the said School and the course of instruction to be imparted in the said School and all matters in connection with the order and discipline thereof NOW THEREFORE the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by the "Church of England Trust Property Act 1917" ordains and rules as follows:—

1. The acquisition of the said School "Barker College" is hereby confirmed and adopted upon the terms and conditions set out in the said agreement.
2. The name of the said School shall be "Barker College."
3. The School shall be governed by a Council which shall be known as "The Council of Barker College."
4. The members of the Council shall be the Archbishop of Sydney for the time being and sixteen other persons of whom

seven shall be Clergymen appointed by the Synod seven laymen appointed by the Synod and two shall be appointed by The Barker College Old Boys' Union from amongst its members, so long as the said Union exists and consists of not less than twenty financial members and should the said Union cease to exist or consist of less than 20 financial members then Synod shall appoint two members in place of those appointed by the said Union and one at least of the said two members shall be a layman. Provided always that in the absence of the Archbishop or during the vacancy of the See the Administrator of the Diocese shall be deemed to be an *ex officio* member of the Council.

5. The Archbishop of Sydney for the time being shall be the President of the Council.

6. A Chairman may be appointed by the Council from amongst its members who shall in the absence of the President preside at all meetings of the Council and in the absence of the President and of the Chairman the members present shall from amongst their number elect a Chairman of the day.

7. At meetings of the Council four members shall form a quorum. In case of an equality of votes the Chairman of the day shall have a casting vote in addition to a deliberative vote.

8. If any member of the Council shall have been absent from three consecutive meetings of the Council without leave or if any member shall in the opinion of at least three-fourths of the members for the time being of the Council become physically or mentally unfit or neglect to perform or become incapable of performing the duties of his office the seat of such member may be declared vacant by the Council.

9. Any member of the Council shall *ipso facto* cease to be a member if he shall resign his seat or should his seat be declared vacant in pursuance of Clause 8 hereof.

10. Whenever a vacancy shall be occasioned in the Council of the said School either by the death or resignation of any member appointed by Synod or by virtue of Clause 8 hereof such vacancy when the Synod is not in session shall be filled by the appointment of a new member or members by the Standing Committee of the Synod. Any person so appointed shall remain in office only until the next ordinary session of the Synod. Provided that if any such vacancy occur in the Council by reason of the death or resignation of a member appointed by the said Union or by the seat of such member being declared vacant by the Council as aforesaid such vacancy shall be filled by the said Union.

11. The first members other than the Archbishop (and leaving one vacancy) shall be:—

Ven. Archdeacon Davies,
M.A., F.R.H.S., TH.SOC.
Rev. Canon Charlton.
Rev. A. A. Yeates, M.A.
Rev. W. G. Hilliard, M.A.
Rev. A. L. Wade, TH.L.
Rev. S. Taylor, B.A.
Rev. A. H. Garnsey, M.A.,
TH.SCHOL.

Mr. F. S. Boyce, B.A., LL.B.
Mr. A. M. Stephen.
Mr. W. M. Vindin.
Mr. W. C. Carter.
Mr. H. J. Carter, B.A.
Mr. A. W. Crane.

deemed to have been appointed by the Synod, and Rev. B. C. Wilson and C. Minter, B.A., LL.B., deemed to have been appointed by The Barker College Old Boys' Union.

12. At each ordinary session of Synod four of the fourteen members (two of whom shall be Clergymen and two Laymen) of the Council appointed by Synod shall retire from office but shall be eligible for re-appointment. Such members shall retire in rotation according to the length of time of office. Provided that where members have held office for an equal duration of time the member to retire may be determined by ballot taken amongst the members of the Council.

13. Subject to Clause 8 hereof members of the Council appointed by the said Union shall hold office for a period of four years. Provided that one of the members appointed by the Union in 1919 shall be appointed for two years only and shall hold office only for that period unless re-appointed by the said Union.

14. The Council shall manage and carry on the said School and its affairs and may make such arrangements financial or otherwise for the benefit development extension and improvement of the said School and of the assets thereto belonging and the lands and premises used in conjunction therewith as the Council may from time to time think fit. And without limitation to the general powers hereinbefore conferred the said Council may borrow moneys and/or charge the said assets or any part or parts thereof to secure repayment thereof and interest and may invest moneys in hand from time to time in the purchase or lease of real or personal estate or in any other manner they may deem fit and may acquire by purchase or lease premises in the management of the affairs of the said School and shall further determine the course of instruction to be imparted in the said School and all matters in connection with the order and discipline thereof and shall manage the property and finances of the School in the manner in which to it may appear expedient for the benefit of the said School.

All moneys derived from the assets and the conduct of the said School after payment of all liabilities shall be applied for its benefit.

15. Subject to the provisions hereof the Council may regulate its own proceedings and for that purpose shall have power to make rescind or alter regulations from time to time and may appoint and/or employ such officers as it may deem necessary.

16. The said School and the assets from time to time thereto belonging may be held upon trust by the Archbishop of Sydney or by such other person or persons as the Council may from time to time determine.

17. The members of the Council shall be indemnified out of the assets of the said School against all loss or liability to which they or any of them may be subject by reason of his being or having been a member of the said Council.

18. The Council shall pay all expenses of and incidental to the acquisition and establishment of the School.

19. The Council may in the exercise of the powers or the performance of any of the duties hereinbefore mentioned by resolution authorise any person or persons to do any act or sign or execute any document on its behalf.

20. The Council shall at least once in every year and also whenever a resolution shall be passed and communicated to them by the Synod of the Diocese of Sydney in that behalf report their proceedings and the progress and condition of the School to the Synod and at the same time present a Statement of Receipts and Expenditure and a Balance Sheet duly audited showing the financial position of the School.

21. This Ordinance may be cited as the "Barker College Ordinance of 1919."

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

E. W. MOLESWORTH,

Chairman of Committees.

We certify that this Ordinance was passed this 26th day of September, 1919.

E. CLAYDON } *Secretaries*
W. R. BEAVER } *of the Synod*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

14th October, 1919.