

BLUE MOUNTAINS GRAMMAR SCHOOL AND
KING'S SCHOOL ORDINANCE 1973

No. 46, 1973

AN ORDINANCE to provide for the management, government and control of the school presently known as The Blue Mountains Grammar School for Boys and for related purposes.

WHEREAS

A. The land described in the First Schedule hereto (hereinafter called the "School Site") is vested in Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee").

B. The said land is used for the purposes of a school known as "The Blue Mountains Church of England Grammar School for Boys".

C. The said School is presently managed, governed and controlled by a Council constituted by The Blue Mountains Church of England Grammar School for Boys Ordinance 1951.

D. The amounts listed in the Second Schedule hereto have been borrowed for the purposes of the said School.

E. The Standing Committee and the Council known as the Council of The King's School and regulated by The King's School Council Constitution 1922 (as amended) have agreed that:

- (a) the name of the said School shall be changed to "The Blue Mountains Grammar School";
- (b) the management, government and control of the said School shall be vested in the said Council;
- (c) all assets of the said School (other than the School Site) shall be transferred to the said Council;
- (d) the Standing Committee shall procure that an amount not exceeding Fifty thousand dollars (\$50,000) is advanced to the said Council to provide working capital for the management, government and control of the said School;
- (e) the Standing Committee shall procure that no repayments of any of the borrowed amounts referred to in Recital D shall be required prior to the 31st December 1976 and that all interest payable on the borrowings from the Sydney Church of England Finance and Loans Board after the date on which this Ordinance is assented to and prior to the 31st December 1976 is capitalised;
- (f) the said Council will review the financial situation of the said School from year to year and will use its best endeavours to pay such part of the interest as may be possible in the circumstances; and
- (g) if agreement relating to the repayment of the moneys referred to in Recital D and in paragraph (d) of this Recital and the capitalised interest referred to in paragraph (e) of this Recital is not reached by the Standing Committee and the said Council prior to the 31st December 1976, the Standing Committee may assume the management, government and control of the said School at any time thereafter.

F. It is expedient that the trusts upon which the said land all other assets of the said School and any other property held upon trust for the said School are held be varied to the extent (if any) hereinafter provided. 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. (1) For the purposes of this Ordinance, unless inconsistent with or repugnant to the context:

- (a) the term "the said School", where used herein, means the School presently known as The Blue Mountains Church of England Grammar School for Boys;
- (b) the term "the said Council" means the Council known as the Council of The King's School;
- (c) the term "the former Council" means the Council constituted by The Blue Mountains Church of England Grammar School for Boys Ordinance 1971;
- (d) the term "Committee" means the Committee constituted by sub-clause (1) of Clause 2 hereof;
- (e) the term "total borrowings" means the moneys referred to in Recital D and in paragraph (d) of Recital E and the capitalised interest referred to in paragraph (e) of Recital E and to the excess referred to in sub-clause (4) of Clause 2; and
- (f) the terms "School Site" and "Corporate Trustee" have the respective meanings attributed thereto in the Recitals to this Ordinance.

(2) This Ordinance may be cited as "Blue Mountains Grammar School and King's School Ordinance 1973".

2. (1) Until the 31st December 1973, a Committee of three persons shall perform the functions conferred upon the former Council. The said Committee shall comprise Archdeacon R.G. Fillingham, Mr. H.A.R. Bent and Mr. F.C. Spellacy and such other persons as the Standing Committee may appoint from time to time by resolution thereof. The Standing Committee by resolution thereof may remove any person who is a member of the said Committee.

(2) The Committee shall conduct its business in such manner as it may think fit and may conduct its business notwithstanding any vacancy amongst its members.

(3) Without limiting the generality of the powers conferred upon the Committee by sub-clause (1) of this clause, the Committee shall:

- (a) collect all moneys due and owing or that become due and owing to the former Council, whether before or after the 31st December 1973; and
- (b) discharge from such moneys debts and liabilities (not being part of the total borrowings) of the former Council;

and for these purposes may act in the name of the former Council in all respects. The said Council shall pay to the Committee any moneys collected or received by it and relating to the affairs of or services provided by the former Council or to the said School prior to the 31st December 1973.

(4) If the amount referred to in paragraph (b) of sub-clause (3) of this clause exceeds the amount referred to in paragraph (a) of that sub-clause, the excess shall be added to the total borrowings.

3. By reason of circumstances that have arisen subsequent to the creation of the trusts upon which the School Site, all other assets of the said School and any other property held upon trust for the said School are held it is expedient that the same be varied to the extent hereinafter provided.

4. After the date on which this Ordinance is assented to, the said School shall be known as "The Blue Mountains Grammar School".

5. (1) Subject to the provisions of this Ordinance, the said Council:

- (a) shall manage, govern and control the said School, the School Site, all other assets of the said School and any other property held upon trust for the said School in such manner as it may deem expedient for the benefit of the said School;
- (b) shall determine the course of instruction to be imparted in the said School and all matters in connection with the order and discipline thereof;
- (c) shall have power to make rescind or alter regulations and may appoint and employ such teachers officers and other persons as it may deem necessary and terminate such appointment; and
- (d) in exercise of the powers or the performance of any of the duties hereinbefore mentioned may by resolution authorise any person or persons to do any act or sign any document on its behalf.

(2) The said Council shall be entitled to exercise, in relation to the School Site, all powers that it may have in relation to land vested in it including, but without limiting the generality, its powers to sell and lease. The Corporate Trustee shall do all things necessary to give effect to the exercise of any such power by the said Council. Upon any part of the School Site being sold, the sale price (after meeting all costs of and incidental to the sale) shall be applied in or towards the discharge of the total borrowings unless the Standing Committee, by resolution, approves of the sale price being applied in some other manner.

(3) The said Council shall deliver to the Secretary of the Standing Committee a balance sheet and accounts in respect of the operations of the said School during each year ending on the 31st December. The first such balance sheet and account shall be in respect of the year ending on 31st December 1974. Each balance sheet and account shall be delivered, as aforesaid, within three months of the end of the year to which it relates.

6. If the said Council, by writing executed under its seal, calls upon the Corporate Trustee to transfer or to otherwise cause to be vested in it so much of the School Site as may then be vested in the Corporate Trustee, then:

- (a) the Corporate Trustee shall do all things necessary to give effect to such request; and
- (b) the said Council shall thereupon become responsible for the repayment of the total borrowings (and of all interest that accrues on the same thereafter) in accordance with whatever arrangements may then be in force in respect of the repayment of the same.

7. If the Standing Committee, by writing executed on its behalf by the Archbishop of the Secretary thereof and delivered to the Chairman or Secretary of the said Council, elects to assume the management, government and control of the said School, then:

- (a) sub-clause (1) of clause 5 of this Ordinance shall be read and construed after such writing is executed and delivered as if each reference therein to "the said Council" is to the Standing Committee and sub-clauses (2) and (3) of clause 5 and clause 6 shall cease to have any force and effect provided that such change shall not affect anything done or caused to be done thereunder by the said Council or any right, privilege, obligation or liability created or incurred thereunder by the said Council; and
- (b) the said Council shall not be responsible in any way for the repayment of all or any part of the total borrowings.

No such writing shall be executed or delivered during the three years following the date on which this Ordinance is assented to or if the said Council has made the demand on the Corporate Trustee referred to in clause 6.

FIRST SCHEDULE

ALL THAT land situated at Wentworth Falls in the State of New South Wales being church trust property held immediately prior to the date on which this Ordinance takes effect upon trust, express or implied, for the benefit, use or purposes of the School known as the Blue Mountains Church of England Grammar School for Boys which land includes the following parcels:-

Lot A in MPS (RP) Registered Number 61284 being the whole of the land in Certificate of Title Volume 6115 Folio 35.

Lot 29 in Deposited Plan 4722 being the whole of the land comprised in Certificate of Title Volume 3051 Folio 50.

Lot 36 in Deposited Plan 4722 being the whole of the land comprised in Certificate of Title Volume 1844 Folio 184.

Lot 37 in Deposited Plan 4722 being the whole of the land comprised in Certificate of Title Volume 2074 Folio 163.

Lot 54 in Deposited Plan 4722 being the whole of the land comprised in Certificate of Title Volume 1747 Folio 170.

Lots 55 and 56 in Deposited Plan 4722 being the whole of the land comprised in Certificate of Title Volume 3051 Folio 168.

SECOND SCHEDULE

From the Bank of New South Wales - the sum of Seventy-seven thousand seven hundred and thirty-one dollars eighty-three cents (\$77,731.83) together with such further amounts which may be borrowed by the former Council or the Committee after the 15th November 1973 less any amounts which may be repaid after that date.

From the Bank of New South Wales Savings Bank Limited - Forty-five thousand eight hundred and ninety-one dollars, forty-four cents (\$45,891.44) together with such further amounts which may be borrowed by the former Council or the Committee after the 15th November 1973 less any amounts which may be repaid after that date.

From the Sydney Church of England Finance and Loans Board - Three hundred and forty-eight thousand six hundred and forty dollars sixty-nine cents (\$348,640.69).

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

D. CAMERON
Deputy 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, 1973.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

M.L. LOANE
Archbishop of Sydney
10/12/1973