

THE ILLAWARRA GRAMMAR SCHOOL FURTHER AMENDMENT
ORDINANCE 1983

No. 27, 1983

AN ORDINANCE to further amend The Illawarra Grammar School Ordinance 1958-1983.

WHEREAS

- A. The Council of The Illawarra Grammar School, was constituted by The Illawarra Grammar School Ordinance 1958 as amended from time to time.
- B. By The Illawarra Grammar School Incorporation Ordinance 1983 provision has been made for the persons who are members of the Council of The Illawarra Grammar School to be constituted as a Body Corporate pursuant to the Anglican Church of Australia (Bodies Corporate) Act, 1938 as amended.
- C. It is expedient that The Illawarra Grammar School Ordinance 1958 as amended be further amended upon the said Council being constituted as a Body Corporate pursuant to Section 4(3) of the Anglican Church of Australia (Bodies Corporate) Act 1938 as amended.

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) This Ordinance may be cited as "The Illawarra Grammar School Further Amendment Ordinance 1983".
(2) The Illawarra Grammar School Ordinance 1958-1983 is hereinafter called the "Principal Ordinance".
(3) The Principal Ordinance as amended by this Ordinance may be cited as "The Illawarra Grammar School Ordinance 1958-1983".
2. In this Ordinance, unless the context otherwise requires or indicates

"The School" means The Illawarra Grammar School and a reference to "The Council" means the Council of the School constituted from time to time.

3. (1) Clauses 14-22 of the Principal Ordinance are hereby repealed and the following clauses inserted in their stead.

"14. The Council shall manage and carry on the affairs of the School in accordance with the provisions of every Act of Parliament and Ordinance (including this Ordinance) specifically or otherwise applicable to the School.

15. In appointing any person to be Headmaster, Headmistress, or other principal teacher of the School the Council shall have due regard (in addition to the other requirements of the position) to the importance of appointing a person of Christian faith and character who is committed to furthering and is capable of furthering the cause of Christian Education in the School as a Church School.

16. The School Chapels and Chaplains Ordinance 1975 shall apply to every school established managed or carried on by the Council.

17. The Council shall, in such manner as it deems most expedient for the benefit of the School -

- (a) control the management and the use of the church trust property held for the purposes of or in connection with the School and of all other property of the Council;
- (b) make financial and other arrangements and decisions for the present and future carrying on of the School and maintenance improvement and extension of and additions to the lands premises and other property of any kind owned by the Council or occupied or used directly or indirectly by it in

connection with the School;

- (c) use and apply for the benefit of the School all property of the Council and all monies derived therefrom or from the carrying on of the School;
- (d) determine consistent with this Ordinance the aims and objectives of the School and the course of action or procedure to be followed by employees of the Council and persons carrying out services for or functions in the School.

18. Provided that Standing Committee has first been informed the Council may acquire and/or establish a subsidiary school or subsidiary schools within the Diocese of Sydney when and where it may deem it expedient to do so in the interests of the School or of christian education and may for the purpose of assisting it in managing and controlling any such subsidiary school or schools from time to time appoint a committee or committees from among its members and such committee or committees may be authorised by the Council to co-opt other persons approved by the Council.

19. Subject to this Ordinance, the Council shall have all powers necessary to enable it to perform the duties imposed upon it by this Ordinance and in particular shall have the following powers (the conferring of which shall not be taken as limiting the generality of the preceding words of this clause):-

- (a) to borrow or raise money and secure the repayment thereof with or without interest in such manner as the Council may think fit and to secure the same or the repayment or performance of any debt contract guarantee or other liability incurred or entered into by the Council in any way and in particular by charging all or any of the lands premises and other

property of any kind both present and future owned by the Council or occupied or used directly or indirectly by it in connection with the School provided that the Council shall not exercise any power to borrow monies if the amount which it proposed to borrow when added to the amount of all monies borrowed by it prior thereto and not repaid prior thereto exceeds Seven Hundred and Fifty Thousand Dollars (\$750,000) or such other amount as may have been last approved by resolution of the Standing Committee;

- (b) to invest and deal with monies in accordance with the provisions of the Investment of Church Trust Property Ordinance 1978 as amended or any such other form or forms of investment as shall be approved by resolution of the Standing Committee at the request of the Council provided that no such approval shall be effective for a period in excess of three years;
- (c) to purchase take on lease or on hire or in exchange or otherwise by any means whatsoever acquire any real or personal property and any rights or privileges which the Council may think fit;
- (d) to sell improve manage develop exchange lease dispose turn to account or otherwise deal with all or any part of the lands premises and other property of any kind owned by the Council or occupied or used directly or indirectly by it in connection with the School;
- (e) to enter into contracts of any kind (including contracts of guarantee and indemnity) and to draw make accept endorse discount execute and issue cheques and other negotiable or transferable

instruments;

- (f) to lend and advance money or give credit to any person or company whether on security or not and to take such security (if any) as the Council may think fit for money lent or advanced or credit given by it;
- (g) to employ or appoint or cause to be employed or appointed such persons on such terms and conditions and for such periods as the Council or any person thereto authorised may think fit, and to dismiss or cause to be dismissed or terminate or cause to be terminated the appointment of any person so employed or appointed;
- (h) to appoint such executive or other committee with such powers and duties and to delegate thereto or to a member or employees such matters as the Council may think fit;
- (i) to solicit and accept real or personal property of any kind by way of gift, subsidy or subvention as the Council may think fit;
- (j) to consult with the councils or governing bodies of other church schools and independent schools on matters of common interest and subject to this Ordinance to join with such councils or governing bodies in endeavours to:-
 - (i) maintain proper standards of education,
 - (ii) preserve and further freedom of choice in education by parents and guardians of children,
 - (iii) regulate relationships with Federal State and local governments;
- (k) to make such rules regulations or by-laws not inconsistent with this Ordinance as the Council may

think fit.

20. (1) 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 unless the following clause is included therein:-

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

and such clause is not made subject to any qualification.

(2) The Council shall not execute or deliver any Bill of Exchange or other negotiable instrument other than a cheque drawn on the Council's Bank except in accordance with the Investment of Church Trust Property Ordinance 1978 as amended.

21. The Council shall comply with the provisions of the Accounts Ordinance 1975-1978 as amended from time to time.

22. (1) The Council shall be solely responsible for all liabilities incurred by it or on its behalf.

(2) 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 Anglican Church of Australia in the Diocese of Sydney or any other corporate body constituted by or pursuant to the Anglican Church of Australia (Bodies Corporate) Act, 1938 as amended 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.

23. Every order for goods and services or business letter involving the securing of credit for the supply of goods or services to the School issued by or on behalf of the Council shall contain the name of the Council and immediately thereafter or thereunder the words "Incorporated under Act of Parliament and constituted by The Illawarra Grammar School Ordinance 1958-1983". The same information shall be shown adjacent to every application of the common seal.

24. Every member of the Council shall be indemnified out of the property of the School for any liability properly incurred by the Council for which he may become personally liable in so far as such liability was not incurred by reason of his misconduct or wilful default."

(2) The repeal effected by sub-clause (1) of this clause shall not invalidate or affect any act performed or any appointment, election or regulation made under or by virtue of the repealed clauses of the Principal Ordinance.

(3) Nothing in this Ordinance shall be construed or deemed, by implication or otherwise, to limit or restrict

(a) any of the powers, duties, rights, privileges or responsibilities which immediately before the passing of this Ordinance attached to the Council of the School;

(b) the duties and responsibilities created by the Accounts Ordinance 1975-1978.

(4) If another Ordinance in so far as it relates to The Illawarra Grammar School is inconsistent with this Ordinance other than the Accounts Ordinance 1975-1978 as amended from time to time and the Schools Chapels and Chaplains Ordinance 1975 as amended from time to time this Ordinance shall prevail and the other Ordinance shall, to the extent of the inconsistency be inoperative.

4. This Ordinance shall come into effect upon the day on which the Council is constituted as a Body Corporate pursuant to Section 4(3) of the Anglican Church of Australia (Bodies Corporate) Act, 1938, as amended.

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

E.D. 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 22nd day of August 1983.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
25 / 8 / 1983