

St Catherine's School Waverley Ordinance 1922 Amendment Ordinance 2021

No 39, 2021

Long Title

An Ordinance to amend the *St Catherine's School Waverley Ordinance 1922*.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name of ordinance

This Ordinance is the St Catherine's School Waverley Ordinance 1922 Amendment Ordinance 2021.

2. Amendment of the Principal Ordinance

The *St Catherine's School Waverley Ordinance 1922* (the "**Principal Ordinance**") is amended as follows –

- (a) insert a new definition in clause 3 as follows –
"Synod Governance Policy" means the Governance policy for Diocesan Organisations made by the Synod on 20 October 2014, as amended from time to time.',
- (b) delete the matter in clause 7(2) and insert instead –
"(2) Upon being elected or appointed as a member, and before becoming a member, a person who is so elected or appointed under paragraph 6 is to sign the "Statement of Personal Faith" set out in the Synod Governance Policy and the declarations specified in the Schedule, and is to deliver it to the Council within 4 weeks of the person's election or appointment.",
- (c) insert a new clause 7(5) as follows –
"(5) A person is not eligible to be appointed or elected as a member of the Council if the person –
 - (a) is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*, or
 - (b) is disqualified by the ACNC Commissioner, at any time during the preceding 12 months, from being a responsible entity of a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012*.",
- (d) insert a new clause 8(4) as follows –
"(4) A person is not eligible to be re-elected or re-appointed as a member if such re-election or re-appointment would, in the ordinary course, result in that person being a member for a continuous period of 14 years or more. For the purposes of this sub-section, two or more periods of service as a member will be taken to be one continuous period of service unless they were separated by a continuous period of at least 12 months during which the person was not a member.",
- (e) delete all instances of the word "Chairman" where it appears in the Principal Ordinance and insert instead the word "Chair",
- (f) insert a new clause 11(4) as follows –
"(4) A person may not be appointed Chair of the Council if a member of the person's immediate family is employed by the Council, unless the Council has considered the circumstances and unanimously agreed to it by secret ballot.",
- (g) insert a new clause 11(5) as follows –
"(5) A person appointed as Chair of the Council shall not serve in that office for more than 9 consecutive years.",
- (h) delete all the matter in clause 14(1) and insert instead –
"(1) If a document containing a statement that the signatories to it are in favour of a resolution in the terms set out or otherwise identified in the document has been signed by at least 75% of the members of the Council, a resolution in those terms

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shall be taken to have been passed at a meeting of the members of the Council held on the day on which and at the time at which the document was signed by a sufficient number of members of the Council to constitute at least 75% of the members of the Council.”,

- (i) insert the words “is entitled to receive Council papers at his request, and” in clause 15(1) following the words “The President”,
- (j) insert a new subclause 15(2) as follows, and renumber the existing subclause 15(2) as 15(3) –

“(2) The President is permitted to appoint a nominee to exercise his entitlements as President on his behalf.”,
- (k) delete all the matter in clause 18(2) and insert instead –

“(2) No application for the position of Head is to be considered by the Council until the applicant has signed and delivered to the Council the “Statement of Personal Faith” set out in the Synod Governance Policy and the declarations specified in the Schedule.”,
- (l) insert a new clause 27 as follows –

“27. Winding up

(1) In the event that the Council or the standing Committee of the Synod for the Diocese of Sydney resolves to wind up the Council, and, upon winding up or dissolution of the Council, there remains, after satisfaction of all its liabilities, any property, then that property must be applied for the purposes of the Diocese as the Synod may determine, provided that such purposes are in alignment with the terms of the Crown Grant of 15 September 1857 in providing education.

(2) Where the Council has any fund or funds which is endorse as a deductible gift recipient, then, upon winding up or dissolution of the Council, any moneys held in that fund or those funds must be transferred by the Synod to one or more endorsed deductible gift recipients to be used for purposes similar to the purposes for which the fund or funds held the amounts in the fund or funds.”,
- (m) rename ‘Schedule 1’ as ‘Schedule’ and delete the entirety of its content with the exception of statements 3 and 4, and renumber statements 3 and 4 as statements 1 and 2 respectively, and
- (n) delete the entirety of Schedule 2.

3. Transitional

- (1) For the purposes of clause 8(4) of the Principal Ordinance, all members of the Council are taken to have commenced as members on the date of their first election prior to the insertion of clause 8(4) by this Ordinance.
- (2) Clause 8(4) of the Principal Ordinance as amended by this ordinance is to come into operation and take effect on and from 1 January 2023.

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

MICHAEL STEAD
Deputy Chair of Committee

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 11 October 2021.

D GLYNN
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL
Archbishop of Sydney

11/10/2021