

Tara Anglican Girls' School Ordinance 1956

(Reprinted under the Interpretation Ordinance 1985.)

The Tara Anglican Girls' School Ordinance 1956 as amended by the Tara Anglican Girls' School Ordinance 1956 Amending Ordinance 1977, the Anglican Church Property Trust Diocese of Sydney (Change of Name) Ordinance 1982, The Council for the Promotion of Sydney Church of England Diocesan Schools (Change of Name) Ordinance 1982, the Diocesan Officers (Retirement) Ordinance 1987, the Investment of Church Trust Property Ordinance 1990, the Tara Anglican Girls' School Ordinance 1956 Amendment Ordinance 1995, the Accounts, Audits and Annual Reports Ordinance 1995, the Miscellaneous Amendments Ordinance 2001, the Diocesan Officers (Retirement) Repeal Ordinance 2001, the Tara Anglican Girls' School Ordinance 1956 Amendment Ordinance 2012 and the Tara Anglican Girls' School Ordinance 1956 Further Amendment Ordinance 2012.

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Long Title

An Ordinance to constitute Tara Church of England Girls' School Council and to provide for the management and control by such Council of the School at Parramatta now carried on by The Council for the Promotion of Sydney Church of England Diocesan Schools, and for other matters in respect of the said school.

Preamble

A. Whereas The Council for the Promotion of Sydney Anglican Diocesan Schools is at present carrying on a School for girls at Parramatta known as Tara Church of England Girls' School (hereinafter called "the School").

B. And Whereas the land used for the purposes of the School more fully described in the Schedule hereto is vested in the Anglican Church Property Trust Diocese of Sydney and has been mortgaged in pursuance of the Council for the Promotion of Sydney Anglican Diocesan Schools Mortgaging Ordinance 1950 (No. 12 of 1950).

C. And Whereas it is expedient to provide for the constitution of a Council to take over and manage the School and for other matters in connection with the order and discipline thereof.

Now therefore the Standing Committee of Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows.

Name of Council

1. On and after the first day of January One thousand nine hundred and fifty-seven the School shall cease to be managed by The Council for the Promotion of Sydney Anglican Diocesan Schools and shall be managed by a Council constituted as hereinafter provided and to be known as "Tara Church of England Girls' School Council" (hereinafter called "the Council").

Membership of Council

2. (1) The members of the Council are –

- (a) the Archbishop of Sydney;
- (b) 9 members elected by the Synod, of which at least 2 must be clergy;
- (c) 2 persons appointed by the Archbishop; and
- (d) 2 persons appointed by the Council.

(2) The members of the Council referred to in (c) and (d) of subclause (1) shall hold office for 3 years but shall be eligible for re-appointment.

(3) A person who is –

- (a)
- (b) an insolvent under administration,

is not eligible to be elected or appointed to or act as a member of the Council.

(4) Upon being elected or appointed as a member, and before becoming a member, a person who is so elected or appointed under paragraphs 2(1)(b), (c), or (d) is to sign the declaration specified in the Schedule 2 or, if elected under paragraph 2(1)(d), may as an alternative sign the statement specified in Schedule 3, and is to deliver it to the Council within 4 weeks of the person's election or appointment.

(5) A person who fails to sign and deliver the declaration or statement, as the case may be, within this time is to be taken not to have been elected or appointed as a member.

(6) A copy of the declaration or statement, as the case may be, referred to in subclause (4) is to be retained by the Council in its records.

Archbishop and Chairman

3. (a) The Archbishop of Sydney for the time being shall be President of the Council. Provided always that in the absence of the Archbishop from the State his Commissary, and failing the appointment of a Commissary or during the vacancy of the See or the incapacity of the Archbishop the Administrator of the Diocese, shall be ex officio a member of the Council and may carry out the powers and functions of the Archbishop under this Ordinance.

(b) 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.

Quorum and Chairman's Voting Rights

4. At meetings of the Council five members shall form a quorum. The President or in his absence the Chairman or Chairman of the day shall have a deliberative vote and in case of an equality of votes a casting vote in addition to a deliberative vote.

5.

Retirement of Council Members Appointed by Synod

6. (1) At each ordinary session of Synod, 3 members of the Council elected by the Synod shall retire from office but shall be eligible for re-appointment.

(2)

(3) Such members shall retire in rotation according to the length of time of office. Where members have held office for an equal length of time the member or members to retire may be determined by ballot taken amongst the members of the Council.

Casual Vacancies among Council Members

6A. (1) A casual vacancy in the office of a member of the Council occurs if a person ceases to be a member of the Council by reason of this clause.

(2) A person ceases to be a member of the Council if the person –

- (a) dies;
- (b) resigns by written notice given to the Chairman and, in such case, unless the notice specifies a later date, the resignation is effective when the Chairman receives the notice;
- (c) becomes an insolvent under administration;
- (d)
- (e) becomes an incapable person, a patient, a protected patient or a voluntary patient under any statute relating to mental health; or
- (f) is absent from 3 consecutive meetings of the Council without the leave of the Council and the Council by resolution declares the member's office vacant.

(3) A casual vacancy in the office of a member of the Council elected by the Synod may be filled in accordance with part 7 of the Synod Elections Ordinance 2000.

(4) The Archbishop may appoint a person to fill a casual vacancy in the office of a member appointed by the Archbishop.

(5) The Council may appoint a person to fill a casual vacancy in the office of a member appointed by the Council.

Powers of the Council

7. Subject to the provisions of this Ordinance the Council shall manage govern and control the School and without limiting the generality thereof –

- (a) shall determine the course of instruction to be imparted in the School and all matters in connection with the order and discipline thereof;
- (b) shall manage the property and finances of the School;
- (c) may regulate its own proceedings;
- (d) may make rescind or alter regulations;
- (e) may do all such acts and execute all such instruments as it may deem expedient for the purposes of the School;
- (f) may authorise any person or persons to do any act or sign or execute any instrument on its behalf.

The Council may invest any moneys not required for immediate application in accordance with the Investment of Church Trust Property Ordinance 1990.

8. The Council may act notwithstanding any vacancy amongst its members.

9. The said land and other assets shall subject to the trusts upon which they are held be used for the purposes of the School.

Indemnity to Council Members

10. The members of the Council shall be indemnified out of the assets for the time being under the control of the Council against all loss or liability which they or any of them may have properly incurred, for and on behalf of the School, and to which they, or any of them, may be subject by reason of his or her being or having been a member of the Council.

Appointment of the Head

11. (1) In appointing a person to be the Head, the Council will (in addition to the other requirements of the position) appoint a person of Christian faith and character who has demonstrated an ability and commitment to further allegiance to Christ as Lord and the cause of Christian education.

(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 declaration specified in Schedule 2.

(3) The Council is to observe the following protocol in selecting and appointing a person as Head –

- (a) prior to the beginning of the selection process, the Chairman of the Council is to brief the President on the proposed process and the composition of any selection committee and seek the President's views on the principles of selection and the process involved, and
- (b) the President is to be invited to be involved in the final interview process, and
- (c) the President is to be consulted if any significant issue arises during the final interview process of which he should be aware, and
- (d) the President is to be immediately notified upon acceptance of any offer for the position of Head.

12.

Accounting, Audit and Reporting Requirements

13. The Council shall at least once in every year and also whenever a resolution shall be passed and communicated to it by the Synod of the Diocese of Sydney in that behalf report its proceedings and the progress and condition of the School to the Synod. The Council shall comply with the Accounts, Audits and Annual Reports Ordinance 1995 as amended from time to time.

School Chapels and Chaplains Ordinance

14. The School Chapels and Chaplains Ordinance 1975 applies to the School.

Name of Ordinance

15. This ordinance is the Tara Anglican Girls' School Ordinance 1956.

Schedule 1

The whole of the land in Certificate of Title Registered Volume 4402 Folio 233 situate in the City of Parramatta and known as No. 153 George Street, Parramatta.

Schedule 2

Statement of personal faith and support for the Christian ethos and charter of the Council

1. I believe and hold to the truth of the Christian faith as set forth in the Apostles' Creed.

*I believe in God, the Father Almighty,
maker of heaven and earth;
and in Jesus Christ, his only Son our Lord,
who was conceived by the Holy Spirit,
born of the virgin Mary,
suffered under Pontius Pilate,
was crucified, dead, and buried.
He descended into hell.
The third day he rose again from the dead
He ascended into heaven,
and is seated at the right hand of God the Father almighty;
from there he shall come to judge the living and the dead.
I believe in the Holy Spirit;
the holy catholic church;
the communion of saints;
the forgiveness of sins;
the resurrection of the body,
and the life everlasting.*

2. In particular I believe –
 - (a) There is only one way to be reconciled to God which is through his Son, Jesus Christ, who died for our sins and was raised for our justification; and
 - (b) That we are justified before God by faith only.
 - (c) That God's word written, the canonical Scriptures of the Old and New Testaments, is the supreme authority in all matters of faith and conduct.
3. I shall endeavour to fulfil my duties as a member of the Council in accordance with this declaration and the ordinance by which the Council is constituted.
4. I agree that my continuance as a member of the Council is dependent upon my continuing agreement with this declaration and I undertake to resign if this ceases to be the case.

Schedule 3

Statement of support for the Christian ethos and charter of the Council

1. I acknowledge that the School to whose Council I am elected or appointed aims to educate young people in ways consistent with the teaching of the Bible and the gospel of Jesus Christ, and to this end I support the Council's commitment to maintain and uphold the Christian faith in teaching and practice.
2. I shall endeavour to fulfil my duties as a member of the School Council to which I am elected or appointed in accordance with its Christian ethos and the charter of the organisation.
3. I agree that my continuance as a Council member is dependent upon my continuing agreement with this statement and I undertake to resign if this ceases to be the case.

Notes

Pursuant to the Anglican Church of Australia (Bodies Corporate) Act 1938, the Council was incorporated under the name "The Council of Tara Anglican School for Girls" by Order published in Government Gazette on 21 January 1977.

Table of Amendments

Preamble A	Amended by Ordinance No 36, 1982.
Preamble B	Amended by Ordinance No 42, 1982.
Clause 1	Amended by Ordinance No 42, 1982.
Clause 2	Amended by Ordinances Nos 4, 1977; 28, 1987; 16, 1995; 59, 2001; 5, 2012 and 7, 2012.
Clause 5	Omitted by Ordinance No 4, 1977.
Clause 6	Amended by Ordinances Nos 6, 1995; 5, 2012 and 7, 2012.
Clause 6A	New clause inserted by Ordinance No 16, 1995 and amended by Ordinances Nos 32, 2001 and 59, 2001.
Clause 7	Amended by Ordinances Nos 4, 1977 and 5, 1990.
Clause 11	Omitted by Ordinance No 4, 1977. New clause inserted by Ordinance No 5, 2012.

- Clause 12 Omitted by Ordinance No 4, 1977.
- Clause 13 Amended by Ordinances Nos 4, 1977; 5, 1990 and 34, 1995.
- Clause 14 Amended by Ordinance No 32, 2001.
- Clause 15 Amended by Ordinances Nos 4, 1977 and 32, 2001 and under the Interpretation Ordinance 1985.
- Schedule 1 Amended by Ordinance No 5, 2012.
- Schedule 2 Inserted by Ordinance No 5, 2012 and amended by Ordinance No 7, 2012.
- Schedule 3 Inserted by Ordinance No 5, 2012.

STEVE LUCAS
Manager, Legal Services

ROBERT WICKS
Diocesan Secretary

27 June 2012