

THE WILLIAM BRANWHITE CLARKE COLLEGE ORDINANCE 1987

NO. 34, 1987

AN ORDINANCE to constitute The William Branwhite Clarke College Council and for other matters in connection therewith.

WHEREAS:

A. It is desired to establish a School in the Hills Region to provide an education which in its content and environment allows for full individual development in the spiritual academic physical and social domains based on a clear biblical perspective in accordance with the doctrines and principles of the Anglican Church of Australia in the Diocese of Sydney.

B. It is expedient that provision be made for the constitution and election of a council to establish and then to carry on the School and to vest authority in the council for such purposes as are hereinafter mentioned.

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:-

SHORT TITLE

1. This Ordinance may be cited as "The William Branwhite Clarke College Ordinance 1987".

PRELIMINARY

2. In this Ordinance unless the context otherwise requires or indicates:

- (a) "Archbishop" means the Archbishop of the Diocese of Sydney;
- (b) "Basis and Statement of Faith" means
 - (i) the Book of Common Prayer and the Thirty Nine Articles;
 - (ii) belief that God's written word conveys to us in many and varied ways the revelation of Himself which is fulfilled in our Lord Jesus Christ; that the holy scriptures of the Old and New Testaments contain all the necessary doctrine required for eternal salvation through faith in Jesus Christ; and that such holy scriptures contain God's standard whereby all matters of doctrine and conduct are judged;
- (c) "Clergyman" means a clergyman of the Anglican Church of Australia;
- (d) "Council" means the council of The William Branwhite Clarke College installed appointed or elected from time to time pursuant to this Ordinance;
- (e) "Diocese" means the diocese of Sydney;
- (f) "Hills Region" means the parishes and other ecclesiastical districts listed in the Schedule or such parishes and other ecclesiastical districts which may from time to time be formed or constituted from within the boundaries of these parishes and other ecclesiastical districts.

- (g) "Principal" means the headmaster or the teacher in charge of the School;
- (h) "School" means The William Branwhite Clarke College;
- (i) "Synod" means the Synod of the Diocese of Sydney;
- (j) "Synod Members" means persons elected pursuant to Clause 3 (e) or appointed by Clause 4;
- (k) "Regional Council" means the Parramatta Anglican Regional Council as constituted by the Parramatta Anglican Regional Council Ordinance 1972 as amended;
- (l) the singular includes the plural and vice versa and the masculine includes the feminine and vice versa.

COUNCIL AND MEMBERS

3. The Council shall consist of the following members:-
- (a) the Archbishop
 - (b) the Bishop of Parramatta
 - (c) a clergyman and a lay person resident in the Hills Region appointed by the Archbishop;
 - (d) a clergyman and a lay person and another person resident in the Hills Region appointed by the Regional Council;
 - (e) three clergymen and three lay persons as described in Clauses 4 and 5; and
 - (f) three persons of whom a least two shall reside in that part of the Diocese in which the Bishop of Parramatta exercises episcopal duties, all of whom shall be appointed by the persons referred to in paragraphs (a) to (e) of this clause.

A person who is an employee of the Council shall not be eligible to be appointed or elected to the Council.

4. The first Synod members of the Council shall be:

Clergy

The Reverend Ian Fauchon
 The Reverend Jerryl Lowe
 The Reverend David Gilmour

Lay Persons

Mr David Nott
 Mr David Brown
 Mr Geoffrey Jones

who shall hold office until the election referred to in Clause 5.

5. On the first day of the next ordinary session of Synod held in 1988 or as soon as conveniently may be after that day the Synod shall elect the Synod Members.

6. (1) Of the Synod Members elected pursuant to Clause 5 one clergyman and one lay person shall retire on the first day of the next ordinary session of Synod immediately after their appointment.

(2) In each of the next two succeeding years two Synod Members (one being a clergyman, the other being a layperson) shall retire on the first day of the next ordinary session of the Synod in the relevant year.

7. (1) Subject to Clauses 4, 6, 7(2) and 8 the term of office of a member of the Council appointed or elected pursuant to Clauses 3(c), 3(d), 3(e) or 3(f) shall be three (3) years.

(2) Subject to Clause 8 a retiring member of the council shall be eligible for re-election or re-appointment and shall remain a member and continue to hold any office to which he may have been elected or appointed by the Council until the vacancy caused by his retirement has been duly filled.

8 (1) A person, other than the Archbishop and the Bishop of Parramatta, who is a member of the Council shall cease to be a member of the Council if he:

- (a) dies;
- (b) resigns his office by writing addressed to the Chairman or, in the case of the Chairman, by writing addressed to the President, and in such case shall unless the writing specifies a later date be deemed to occur when the Chairman or President (as the case may be) received the writing;
- (c) ceases to have any qualification which was necessary for his election or appointment;
- (d) becomes bankrupt or signs an authority effective under Section 188 of the Bankruptcy Act, 1966 as amended or applies to take the benefit of any law for the relief of bankruptcy or insolvent debtors or compounds with or assigns his property for the benefit of his creditors;
- (e) becomes within the meaning of the Mental Health Act, 1958 as amended an incapable person, a patient, a protected person or a voluntary patient;
- (f) being a member referred to in Clauses 3(c), 3(d), 3(e), or 3(f) fails to attend, without leave of absence from the Council, more than two consecutive meetings of the Council; or
- (g) attains the age of 72 years

(2) A casual vacancy shall occur if the Council, at a meeting of the Council duly convened expressly for the purpose, passes, by majority of not less than two thirds of the members of the Council present and voting, a resolution that the office of a member of the Council appointed or elected pursuant to clauses 3(c), 3(d), 3(e) and 3(f) or 4 be declared vacant provided that before that meeting the Council shall have:

- (a) informed the member of the proposed resolution and the grounds on which it will be proposed; and
- (b) given the member a reasonable opportunity at a meeting of the Council duly convened expressly for the purpose of showing cause why his office should not be declared vacant.

(3) The provisions of the Casual Vacancies Ordinance 1935 shall not apply to this Ordinance.

(4) A casual vacancy in the office of the Synod Members shall be filled by the election of a new member by Synod or when the Synod is not in session by the election of a new member by the Standing Committee of the Synod provided that the synod may by resolution determine that a casual vacancy existing during a session of Synod shall not be filled during that session and thereupon after the close of that session that vacancy shall be filled by the election of a new member by the Standing Committee. A person who becomes a member of the council pursuant to this clause shall hold office until and retire on the day on which the

persons whose vacancy he fills would have retired had the vacancy not occurred.

9. The Archbishop shall be the President of the Council. The President may from time to time by notice in writing addressed to the Chairman at the time appoint (and change the appointment of) a deputy who shall be entitled to attend all meetings of the Council and in the absence of the President the deputy shall act as a member of the Council and shall have a deliberative vote. A deputy President shall continue in office during a vacancy in the See.

10. (1) The Bishop of Parramatta shall be Chairman provided that the president when present shall preside at the meetings of the Council. In the absence of the President, the Bishop of Parramatta shall preside and in the absence of both the Archbishop and the Bishop of Parramatta the members present shall elect one of their number to act as chairman of the meeting.

(2) The person presiding at a meeting shall have both a deliberative vote and a casting vote at that meeting.

11. (1) At meetings of the Council, seven members present shall constitute a quorum.

(2) For the purposes of establishing a quorum a deputy appointed by the President shall in the absence of the President be reckoned as a member of the Council.

12. Subject to the concurrence of the Chairman the Council may invite any person not a member of the council to be present for the whole or any part of the meeting.

DUTIES AND POWERS OF COUNCIL

13 (1) The Council shall establish the School and manage the School and its assets.

(2) The Council shall make financial and other arrangements and decisions for the present and future conduct of the school, the maintenance, improvement and extension of and addition to the lands, premises and other property of any kind held occupied or used by the Council in connection with the School.

(3) The powers conferred on the Council pursuant to this Clause and Clauses 15, 16 and 17 shall not be exercised prior to such date as the Standing Committee may by resolution determine.

14. In appointing any person to be Principal of the School the Council shall (in addition to the other requirement so the position) appoint 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. Any person proposed to be appointed a Principal shall give a signed personal assent to the Basis and Statement of Faith.

15. The School Chapels and Chaplains Ordinance 1975 shall apply to every school established by the Council.

16. 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:

- (a) to manage and conduct the School and its affairs and to govern and control the management and user of the church trust property held in connection therewith in such manner as it may deem expedient for the benefit of the School;

- (b) to approve the courses of instruction consistent with the objects of the School referred to in the preamble hereto;
- (c) to determine all matters relating to the order and discipline of the School;
- (d) to appoint and may suspend or remove the Principal provided that any resolution for removal of the Principal shall be supported by not less than two thirds of the members of the Council;
- (e) to approve the appointment or dismissal of teachers by the Principal and may appoint such other officers as it may consider necessary to enable it to fulfil its objects;
- (f) subject to the provisions hereof, to regulate its own proceedings and for that purpose shall have power to make rescind or alter regulations;
- (g) to authorise any persons or persons to do any act on its behalf;
- (h) to appoint sub-committees of Council either generally or specifically; to co-opt persons who are not members of the Council to such sub-committees;
- (i) to require the Principal to furnish regularly to the Council such reports as it desires relating to the School;
- (j) to borrow or raise money and secure the repayment thereof with or without interest in such manner (otherwise than by means of bills of exchange or by a bill line facility) as the Council may think fit and to secure the same 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 is in connection with the School PROVIDED THAT the Council shall not exercise any power to borrow money if the amount which it proposes to borrow when added to the amount of all monies borrowed by it prior thereto and not repaid prior thereto exceeds One million Five hundred thousand dollars (\$1,500,000) or such other amount as may have been last approved by resolution of the Standing Committee.

17. (1) The Council shall remain and continue to 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 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 shall or may meet or discharge all or any part of the liability or liabilities which have been or may or will be incurred wholly or partly by or on behalf of the Council.

(3) 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 acknowledges and agrees that the Council of The William Branwhite Clarke College 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 William Branwhite Clarke College may be able to pay to that party in the event of the Council of William Clarke College being wound up"

and such clause is not made subject to any qualifications.

18. The members of the Council shall be indemnified out of the property from time to time under the control of the Council against any 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.

19. The Council shall at least once in every year present a report on its proceedings and the progress and condition of the School to the Synod and to the Regional Council and shall furnish such other information as may be required from time to time by resolution of Synod or the Standing Committee thereof, or the Regional Council.

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

SCHEDULE

Baulkham Hills
Blacktown
Cambridge Park
Carlingford
Castle Hill
Doonside
Dural
Emu Plains
Kellyville
Kenthurst
Kingswood
Kurrajong
Lalor Park
Mt Druitt

Mulgoa
Northmead
Penrith
Pitt Town
Richmond
Riverstone
Rooty Hill
St Marys
Toongabbie
Tregear
Wentworthville
West Pennant Hills
Wilberforce
Windsor

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

E D CAMERON
Chairman of Committee

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Dioceses of Sydney on the 26th day of October 1987.

W G S GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney.
26/10/1987