

LAKES GRAMMAR – AN ANGLICAN SCHOOL ORDINANCE 2011

WHEREAS by the Warnervale Anglican Grammar School Board Ordinance 2002 ("The Former Ordinance"), a Board was set up to establish a school on the Central Coast, and

AND WHEREAS by the Lakes Grammar - An Anglican School Incorporation Ordinance 2004, the said Board was incorporated, and

AND WHEREAS the Board has established the said school and has operated it in accordance with the Former Ordinance, and

AND WHEREAS it is expedient to restate the Constitution of the said school with amendments

NOW the Diocesan Council of the Diocese of Newcastle exercising the powers conferred by the Anglican Church of Australia (Bodies Corporate) Constitution and Administration Ordinance 1994 hereby determines

Short Title

1. This Ordinance may be cited as the Lakes Grammar – An Anglican School Ordinance 2011.

Interpretation

2. In this Ordinance unless the context otherwise requires or indicates
Board
or School Board means the School Board constituted in accordance with section 3;
Bishop means the Bishop of the diocese and includes a person for the time being administering the diocese;
Corporation means the corporation established by the Newcastle Anglican Schools Corporation Ordinance 2007;
Diocese means the Diocese of Newcastle;
Diocesan Council means the Diocesan Council established by the Diocesan Council Ordinance 1929;
School means the school known as Lakes Grammar – an Anglican School
Synod means the Synod of the Diocese.

The School Board

3.
 - 1) The governance of the school shall, subject to the provisions of this Ordinance, be the responsibility of the School Board established by this Ordinance.
 - 2) The Bishop shall be the President of the Board and shall preside at all meetings of the Board at which he is in attendance.
 - 3) The Bishop may appoint a person (not otherwise a member of the Board) to act as the delegate of the Bishop and who shall preside in the absence of the Bishop.

- 4) In the absence of the Bishop and the person referred to in sub-section (3), the Bishop may from time to time appoint a member of the Board to preside and failing such appointment the members of the Board present at the meeting may elect one of their number to preside at the meeting.
- 5) The person presiding at a meeting of the Board shall have both a deliberative and a casting vote.
- 6) Apart from the Bishop there shall be 7 other members of the Board appointed as follows:
 - a) 2 by the Bishop;
 - b) 2 by the Diocesan Council; and
 - c) 3 by the Board subject to the approval of the Diocesan Council.
- 7) Appointments to the Board shall be for such period, not exceeding 3 years, as the person or body appointing or approving the appointment shall determine.
- 8) In appointing or approving an appointment, the term of such appointment shall be determined so as to ensure, so far as is practicable, that there shall be continuity in the membership of the Board .
- 9) A person shall be eligible for reappointment to the Board.
- 10) The quorum of the Board shall be 4.
- 11) Subject to any direction of the Board, the Principal shall be entitled to attend all meetings of the Board but without any right to vote.
- 12) The Board may invite to attend its meeting such persons as it may determine but no person so invited shall have any right to vote.

Vacation of Office

4. The office of a member of the School Board becomes vacant if the member:
 - 1) dies;
 - 2) declines to act;
 - 3) resigns the office by writing addressed to the Bishop;
 - 4) becomes bankrupt;
 - 5) becomes subject to the provisions with respect to his or her person or property of any law for the protection of persons by reason of a mental illness or disability;
 - 6) is convicted of an offence punishable by imprisonment for 12 months or more;
 - 7) other than the Bishop, is absent for more than 2 successive meetings of the Board without leave of the Board;
 - 8) in the case of the Bishop, ceases to be Bishop;
 - 9) in the case of the person appointed under sub-section 3(3), upon the cancellation of the appointment;
 - 10) upon the appointment of an Administrator under section 11;

- 11) for due cause, by resolution of the Diocesan Council, notice having been given to the member and the member having had a reasonable opportunity to show cause against such a resolution.

School Chaplain

5. There shall be a School Chaplain who shall be appointed and licensed by the Bishop after consultation with the School Principal.

Powers and Duties of the Board

6. The Board shall have the following powers and duties:
 - (a) (i) To operate a co-educational school from Kindergarten to Year 12 in which students may obtain a sound education in content and environment to allow for full individual development in the spiritual, academic, physical and social domains based on a clear Christian perspective in accordance with the principles of the Anglican Church of Australia, Diocese of Newcastle.
 - (a) (ii) To manage, govern and control the School and its affairs and to govern and control the management and use of Church Trust property held in connection therewith.
 - (aa) To comply with all policies from time to time approved or adopted by the Corporation;
 - (ab) Without limiting the generality of paragraph (aa), where a syllabus for religious education for Diocesan Schools has been approved by the Corporation under section 7(m) of the Newcastle Anglican Schools Corporation Ordinance 2007, to ensure that no religious education is given within the school otherwise than in accordance with such syllabus;
 - (b) (i) To appoint, suspend or terminate the appointment of the Principal provided that any resolution for termination of the appointment of the Principal shall be supported by not less than two-thirds of the members of the Board, and furthermore, that such suspension or termination shall be subject to the conditions of natural justice.
 - (ii) Any person proposed to be appointed Principal shall be a communicant member of the Anglican Church of Australia or a church in communion with the Anglican Church or such other Church of the Christian faith as the Bishop may specify.
 - (iii) no person shall be appointed Principal of the school without the written approval of the Bishop.
 - (c) To make rescind or vary regulations and to regulate its own proceedings;
 - (d) To authorise any person or persons to do any lawful act on its behalf;
 - (e) To appoint sub-committees of the Board and co-opt any person to be a member thereof;
 - (f) To require the Principal to furnish reports to the Board at such times as it deems necessary;
 - (g) To borrow or raise money and secure the repayment thereof with or without interest in such manner as the Board may think fit and to secure the same or other liability incurred or entered into by the Board 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 Board or occupied or used directly or indirectly by it in connection with the School. This power shall not apply by means of bills of exchange or by a bill line facility except where the same has been or shall subsequently be accepted or endorsed by a Bank authorised under the Banking Act 1959 or any other legislation of the Commonwealth of Australia or State or Territory thereof to carry on banking business in Australia.

7. The Board as a corporation shall remain and continue to be solely responsible for all liabilities incurred by or on its behalf. Neither the individual members of the Board from time to time nor the Diocese shall have any liability therefor (unless such liability is expressly assumed in writing).
8. The members of the Board shall be indemnified out of the property from time to time under the control of the Board against any loss or liability which they or any of them may have lawfully and properly incurred for and on behalf of the School and to which they or any of them may properly be subject by reason of his or her being or having been a member of the Board.
9. The Board shall at least once in every year present a report of its proceedings and of the progress and condition of the School to the Synod and shall furnish such other information as may be required from time to time by Synod.
10. Should the School Board cease to act or upon the winding up and dissolution of the said Board there remains after satisfaction of all debts and liabilities of the School or the Board thereof any property, the same shall not be paid to or distributed amongst the members of the Board of the said School, but shall be given or transferred to the Anglican Church of Australia, Diocese of Newcastle or to some other organisation or organisations having objects similar to the objects of the said School and which shall prohibit the distribution of its or their income and property amongst its or their members.

Administrator

11.

- 1) Where it appears to the Bishop, acting on the advice of the Diocesan Council, that
 - a) the School Board, after due warning in that regard, is acting contrary to law or to an ordinance or regulations to which it is subject; or
 - b) the conduct of the School Board is such that the assets or creditworthiness of the Diocese or school are at risk; or
 - c) the conduct of the School Board is prejudicial to the mission of the Church within the Diocese or of the school,the Bishop may, by instrument under his hand, appoint an Administrator to assume the governance of the school.
- 2) Upon the appointment of an Administrator the Board shall be dissolved and all powers and duties of the Board shall vest in the Administrator and all property under the control of the Board shall come under the control of the Administrator.

- 3) The Administrator shall be appointed upon such terms as shall appear appropriate to the Bishop acting on the advice of Diocesan Council.
- 4) The Administrator may delegate any power or function other than this power of delegation.
- 5) The Bishop may terminate the appointment of an Administrator at any time.

Repeal

12. The Warnervale Anglican Grammar School Board Ordinance 2002 is hereby repealed.

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

PASSED BY DIOCESAN COUNCIL on the **Twenty-Third** day of **June 2011**.

Mr John Cleary
Secretary, Diocesan Council

THE ASSENT of the Lord Bishop of the Diocese was given to the above Ordinance on the **Twenty-Third** day of **June 2011** in the Twentieth year of our Consecration and of our Translation to this See the Sixth.

PRESIDENT