

A BILL for an Ordinance to amend the MANNING VALLEY ANGLICAN COLLEGE COUNCIL ORDINANCE 2001

BE IT ORDAINED AND RULED by the bishop and Diocesan Council of the Diocese of Newcastle, pursuant to the **Synod Delegation of Powers Ordinance 2009** and every other power hereunto enabling, as follows

1. Short Title

- (1) This Ordinance may be cited as the **Manning Valley Anglican College (Amendment) Ordinance 2009**.
- (2) In this Ordinance the **Manning Valley Anglican College Council Ordinance 2001** is referred to as the Principal Ordinance.

2. Amendment of Short Title of Principal Ordinance

- (1) Sections 1 and 20 of the Principal Ordinance are repealed.
- (2) There is substituted for section 1 the following:

3. Repeal and substitution of section 2

Section 2 of the Principal Ordinance is repealed and the following substituted:

2. Interpretation

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 Manning Valley Anglican College;

Synod means the Synod of the Diocese.

4. Repeal of sections 3, 4, 5 and 6; new section 3

Sections 3, 4, 5 and 6 of the Principal Ordinance are repealed and a new section 3 inserted as follows:

3. The School Board

- (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 5.
- (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.

5. New section 4

There is inserted into the Principal Ordinance a new section 4 as follows:

4. Vacation of office

The office of a member of the School Board becomes vacant if the member:

- (a) dies;
- (b) declines to act;
- (c) resigns the office by writing addressed to the Bishop;
- (d) becomes bankrupt;
- (e) 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;
- (f) is convicted of an offence punishable by imprisonment for 12 months or more;
- (g) other than the Bishop, is absent for more than 2 successive meetings of the Board without leave of the Board;
- (h) in the case of the Bishop, ceases to be Bishop;

- (i) in the case of the person appointed under sub-section 3(3), upon the cancellation of the appointment;
- (j) upon the appointment of an Administrator under section 11;
- (k) 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.

6. Repeal of sections 7 to 13, 19

Sections 7, 8, 9, 10, 11, 12, 13, and 19 of the Principal Ordinance are repealed.

7. New section 5

There is inserted into the Principal Ordinance a new section 5 as follows:

5. School Chaplain

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

8. Renumbering and amendment of sections 14 -18

- (1) Sections 14, 15, 16, 17, and 18 of the Principal Ordinance are renumbered respectively sections 6, 7, 8, 9, and 10.
- (2) The words *Board* and *School Board* shall be substituted for the words *Council* and *School Council* as the case may be wherever those words appear in the renumbered sections.

9. Amendment of renumbered section 6 (formerly 14)

10. (1) This section effects amendments to section 14 of the Principle Ordinance renumbered as section 6 by section 8 of this Ordinance.

- (2) The section is amended
 - (a) by inserting after paragraph (b) of the section the following paragraphs;
 - (ba) to comply with all policies from time to time approved or adopted by the Corporation;
 - (bb) without limiting the generality of paragraph (ba), 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; and
 - (b) by inserting after paragraph (c) the following paragraph
 - (a) no person shall be appointed Principal of the school without the written approval of the Bishop.

10. New section 11

There is inserted into the Principal Ordinance a new section 11 as follows;

11. Administrator

- (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 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.

11. Transitional

- (1) In this section *Council* means the Council of the school holding office under the Principal Ordinance as in force immediately prior to the commencement of this Ordinance.
- (2) A person holding office under paragraph 4(b) of the Principal Ordinance immediately prior to the commencement of this Ordinance shall cease to hold office upon such commencement.
- (3) Of the persons holding office as members of the School Board under paragraph 4(c) of the Principal Ordinance as in force immediately prior to the commencement of this Ordinance, two of such persons, as determined by the Diocesan Council, shall continue to hold office for the balance of those persons' respective unexpired terms as if appointed to the Board under paragraph 3 (6)(b) of the Principal Ordinance as amended by this Ordinance.
- (4) A member of the Council holding office under paragraph 4(d) of the Principal Ordinance as in force immediately prior to the commencement of this Ordinance shall continue to hold office as a member of the school board for the unexpired balance of his or her term as if appointed to the Board under paragraph 3(6)(c) of the Principal Ordinance as amended by this Ordinance.

12. Commencement

This Ordinance shall commence on the date appointed by the Bishop.

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

Acting Chairman of Committees
The Right Reverend Dr Brian Farran
Bishop of Newcastle

PASSED BY SYNOD on the **17 December 2009**.

Acting Clerical Secretary of Synod
The Venerable Arthur Copeman

Acting Lay Secretary of Synod
Ms Bev Birch

THE ASSENT of the Lord Bishop of the Diocese was given to the above Ordinance on the **Seventeenth** day of **December 2009** in the Eighteenth year of our Consecration and of our Translation to this See the Fifth.

PRESIDENT