

**A BILL for an ORDINANCE to amend the NEWCASTLE ANGLICAN SCHOOLS CORPORATION ORDINANCE 2007**

**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:

**Short Title**

1. (1) This Ordinance shall be cited as the **Newcastle Anglican Schools Corporation (Amendment) Ordinance 2009**.
- (2) In this Ordinance the **Newcastle Anglican Schools Corporation Ordinance 2007** is referred to as 'the Principal Ordinance'.
- (3) The Principal Ordinance is amended as provided in this Ordinance.
  
2. **Repeal**  
Sections 1 and sections 4 to 13 of the Principal Ordinance are repealed.
  
3. **Renumbering of section 14**  
Section 14 of the Principal Ordinance is renumbered as section 1.
  
4. **Amendment of section 2**
  - (1) Section 2 of the Principal Ordinance is amended by inserting following the definition of *Anglican School* the following definition;  
  
*'Assistant Bishop'* means a person who has been appointed as Assistant Bishop in the Diocese.
  - (2) Section 2 of the Principal Ordinance is further amended by deleting the definition of 'Member School' and substituting the following;  
  
*'Member School'* means a Diocesan School or any other school admitted by Diocesan Council as a member of the Corporation.
  
5. **New Sections 4 to 12 and Schedule**  
The following sections 4 to 12 and Schedule are inserted into the Ordinance:

**Membership of the Corporation**

4. (1) All Diocesan Schools shall be members of the Corporation.

- (2) Diocesan Council may, upon application by
  - (a) an Anglican school; or
  - (b) a school having educational and religious policies and practices that are consistent with the objects set out in section 3admit such school as a member of the Corporation.
- (3) The Diocesan Council may, upon admitting a school as a member under subsection (2), declare that a provision of this Ordinance shall not apply to that school.

### **The Board**

- 5** (1) The members of the Board are:
- (a) the Bishop who shall be President of the Board;
  - (b) the Assistant Bishop of the Diocese;
  - (c) the Diocesan Business Manager;;
  - (d) the Chief Executive Officer appointed under section 7(k) who shall be secretary of the Board but who shall hold office ex officio;
  - (e) a member appointed by the Bishop;
  - (f) a Trustee of Church Property nominated by Diocesan Council;
  - (g) a person nominated by the Diocesan Audit Committee (who may be a member of that Committee);
  - (h) 2 persons appointed by Diocesan Council who are neither members of a School Board or employees of a Diocesan school or other member school;
  - (i) one member of the School Boards of a Diocesan schools or other member schools appointed by the Bishops;
  - (j) one Principal of a Diocesan or other member schools appointed by the Bishop.
- (2) In this section, **School Board** with respect to a member school that is not a Diocesan school means a body performing the same function with respect to such a school as a School Board performs with respect to a Diocesan school.
- (3) The members of the Board of the Newcastle Anglican Schools Corporation immediately prior to the commencement of this Ordinance shall hold office as if

appointed or elected under this Ordinance for the balance of the term for which they were appointed or elected.

- (4) Members other than the Bishop, Assistant Bishop, Diocesan Business Manager and Chief Executive Officer shall hold office for 3 years from the date of their appointment or election and shall be eligible for re-appointment or re-election but not so that their total term of office shall exceed 9 consecutive years.
- (5) The office of a member becomes vacant if the member
  - (a) dies;
  - (b) declines to act;
  - (c) resigns by writing addressed to the President;
  - (d) ceases to be qualified to hold the class of position to which the person was elected or appointed;
  - (e) is absent for more than 2 consecutive meetings of the Board without leave of the Board which leave may be given prospectively or retrospectively;
  - (f) becomes bankrupt; or
  - (g) becomes a protected person within the meaning of the **Protected Estates Act 1983**.
- (6) The Board at a meeting convened for the purpose may resolve that the office of an appointed person be declared vacant provided
  - (a) the member has reasonable notice of the proposed resolution and the terms and the grounds thereof; and
  - (b) the member has had a reasonable opportunity to provide reasons in writing or otherwise or both.
- (7) If the office of a member becomes vacant that office shall be filled by a person holding the qualification of the person whose office has become vacant and the replacement member shall hold office for the unexpired balance of the term of office that has fallen vacant.
- (8) The proceedings of the Board shall be as provided in the Schedule.

## **Duties of the Board**

**6.** The duties of the Board are to

- (a) support member schools as part of the mission of the Anglican Church of Australia;
- (b) support and encourage the establishment of Anglican schools within and without the Diocese;
- (c) acquire suitable land for the establishment of schools;
- (d) plan for the establishment of new Anglican schools;
- (e) support and encourage the development of the Christian faith and worship within Anglican schools and encourage staff and parents to recognize the value of education in an Anglican school operating within the vision, tradition and Ordinances of the Diocese;
- (f) undertake financial oversight of member schools for the Diocese and Diocesan Council to ensure the continued viability and financial stability of member schools;
- (g) provide support for member schools;
- (h) represent, in cooperation with member school Principals and School Boards, the interests of member schools to Diocesan Council, school associations and government agencies;
- (i) ensure so far as is possible that member schools are complying with all industrial, legal and insurance issues in an appropriate way;
- (j) undertake such other functions as Synod or Diocesan Council may delegate to it.
- (k) to appoint a Chief Executive Officer

## **Powers of the Board**

**7.** The powers of the Board are:

- (a) to establish a central borrowing facility for the use of member schools and to establish guidelines for the operation and administration of such facility;

- (b) to consider and approve or disapprove budgets for member schools having regard to a school's ability to meet its financial obligations and to provide through consultation advice as to such budgets;
- (c) to monitor the financial performance of member schools insofar as that financial performance relates to the capacity of a school to borrow money and meet its commitments;
- (d) to open and operate banking accounts for the Corporation;
- (e) to consider and approve applications by member schools for permission to borrow money and to approve the contractual arrangements to be entered into by a member school for any borrowing;
- (f) to establish an office and employ staff;
- (g) to negotiate arrangements for the supply of goods and services to member schools;
- (h) to provide centralized administrative services to member schools;
- (i) to authorize and to delegate to appropriate personnel such functions as the Board may determine;
- (j) to establish committees to carry out such tasks as may be delegated by the Board;
- (k) to represent the interests of member schools at Regional, State and Federal levels;
- (l) to levy member schools such amounts as are necessary for the efficient work of the Corporation;
- (m) to approve a syllabus for religious education in member schools.

### **Indemnity**

8. The members of the Board shall be indemnified out of the property of the Corporation against any loss or liability which the members may have lawfully and in good faith incurred for or on behalf of the Corporation.

### **Reporting**

9. The Corporation shall report to Synod, to Diocesan Council and to member schools in accordance with the Regulations.

## **Complaints Resolution**

10. The Corporation shall establish a complaints resolution procedure in accordance with the Regulations.

## **Regulations**

11. (1) The Diocesan Council may make Regulations not inconsistent with this Ordinance prescribing all matters necessary or convenient to be prescribed for the purposes of this Ordinance.
- (2) The Diocesan Council may by Regulation amend the Schedule.

## **Commencement**

12. This Ordinance shall commence upon the granting of assent.

## **SCHEDULE**

(Section 5(8) )

### Proceedings of the Board

1. Subject to this Ordinance the proceedings of the Board shall be as the Board determines.
2. The Bishop shall preside at all meetings at which he is present.
3. In the absence of the Bishop the Assistant Bishop shall preside.
4. The Bishop may appoint a member of the Board either generally for a term not exceeding the duration of the member's term of office or for a particular meeting or meetings of the Board to preside in the absence of both the Bishop and the Assistant Bishop.
5. In the absence of any person otherwise entitled under this Ordinance to preside at a meeting of the Board the Board shall appoint one of its number to preside.
6. The person presiding at a meeting shall have both a deliberative and a casting vote.
7. The Board shall meet not less than 6 times in each calendar year at such times as the Board shall determine.
8. The quorum of the Board shall be 7 voting members.

**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**