

**THE BISHOP TYRRELL ANGLICAN COLLEGE COUNCIL ORDINANCE 1998**

**AN ORDINANCE** to provide a Constitution for the management of Bishop Tyrrell Anglican College and for other matters in connection therewith.

**WHEREAS:**

1. The Diocese of Newcastle is desirous of establishing low fee schools to provide a caring, Christian education in accordance with the doctrines and principles of the Anglican Church of Australia Diocese of Newcastle;
2. Such low fee schools are seen as an integral part of the Church's mission and are to serve the local community as a focus for Christian care and outreach;
3. The Diocesan Council has identified the Blue Gum Hills area within the Archdeaconry of Newcastle as an appropriate location for a low fee school;
4. The Trustees of Church Property for the Diocese of Newcastle have purchased land at Blue Gum Hills suitable for the construction of a low fee school.

**AND WHEREAS** it is expedient that provision be made for a constitution for the control and management of the said school.

**BE IT THEREFORE** ordained and ruled by the Bishop, Clergy and Laity of the Diocese of Newcastle in Synod assembled as follows

**PART 1 – PRELIMINARY**

Short Title

1. This Ordinance may be cited as the ***Bishop Tyrrell Anglican College Council Ordinance 1998.***

Definitions

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

<b>Board or School Board</b>	means the Board of the Newcastle Anglican Schools Corporation acting as the Board of the School.
<b>Bishop</b>	means the Bishop of the Diocese and includes a person for the time being administering the Diocese;
<b>Corporation</b>	means the corporation established by the <b>Newcastle Anglican Schools Corporation Ordinance 2007</b> ;
<b>Corporation Ordinance</b>	means the Ordinance of the Newcastle Anglican Schools Corporation 2007
<b>Council or School Council</b>	means the School Council constituted in accordance with clause 3.
<b>Diocese</b>	means the Diocese of Newcastle;

## THE BISHOP TYRELL ANGLICAN COLLEGE COUNCIL ORDINANCE 1998

<b>Diocesan Council</b>	means the Diocesan Council established by the <b>Diocesan Council Ordinance 1929</b> ;
<b>School</b>	means the Bishop Tyrell Anglican College;
<b>Synod</b>	means the Synod of the Diocese.

### Interpretation

3. The governance of the school shall, subject to the provisions of this Ordinance, be the responsibility of the School Board, and
4. The School Board may establish a School Council in a manner consistent with the Corporation Ordinance with the powers, responsibilities and indemnities of a School Council established under the Corporation Ordinance.

### PART 2 – OPERATIVE PART

5. The Board shall remain and continue to be solely responsible for all liabilities incurred by it or on its behalf.
6. All moneys and property received or derived in connection with the Board shall be applied solely towards the promotion of the objects of the Board, and no portion thereof shall be paid or transferred directly or indirectly by any means whatsoever by way of profit to members of the Board; Provided that nothing herein shall prevent the payment in good faith to any person, including a member or employee of the Board:
  - a. of reasonable and proper remuneration in return for any services actually rendered to the Board;
  - b. for goods supplied in the ordinary and usual conduct of the Board;
  - c. of interest at rates not exceeding those for the time being prevailing in the community on money borrowed for the objects of the Board;
  - d. of reasonable and proper rent for premises demised or let to the Board for the objects of the Board.
7. 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 Trustees of Church Property for the Diocese of Newcastle as Church Trust Property in accordance with the Anglican Church of Australia Church Trust Property Act 1917 and Section 4 thereof or to some other organisation or organisations having objects similar to the objects of the said school being a non-profit organisation and which shall prohibit the distribution of its or their income and property amongst its or their members.

### Administrator

8. 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

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In Force Date: 23 June 2016	Last Review: 7 May 2020
	Page 2 of 4

## THE BISHOP TYRRELL ANGLICAN COLLEGE COUNCIL ORDINACNE 1998

- c. the conduct of the School Board is prejudicial to the mission of the Church within the Diocese or of the school,
  - d. the Bishop may, by instrument under his hand, appoint an Administrator to assume the governance of the school.
- 9. 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.
- 10. The Administrator shall be appointed upon such terms as shall appear appropriate to the Bishop acting on the advice of Diocesan Council.
- 11. The Administrator may delegate any power or function other than this power of delegation.
- 12. The Bishop may terminate the appointment of an Administrator at any time.

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In Force Date: 23 June 2016

Last Review: 7 May 2020

Page 3 of 4

# THE BISHOP TYRRELL ANGLICAN COLLEGE COUNCIL ORDINANCE 1998

## PART 3 – ORDINANCE ADMINISTRATION

Table of Amendments

<b>Date</b>	<b>Current Section</b>	<b>Amending Instrument</b>	<b>Section Amended</b>
17 December 2009	Repealed	<i>Bishop Tyrrell Anglican College (Amendment) Ordinance 2009</i>	1, 21
	2	<i>Bishop Tyrrell Anglican College (Amendment) Ordinance 2009</i>	2
	Repealed	<i>Bishop Tyrrell Anglican College (Amendment) Ordinance 2009</i>	3, 4, 5 and 6
	Repealed	<i>Bishop Tyrrell Anglican College (Amendment) Ordinance 2009</i>	7 – 13, 19 and 20
	Repealed	<i>Bishop Tyrrell Anglican College (Amendment) Ordinance 2009</i>	5
	6 – 10	<i>Bishop Tyrrell Anglican College (Amendment) Ordinance 2009</i>	14 – 18
	6	<i>Bishop Tyrrell Anglican College (Amendment) Ordinance 2009</i>	14
	8	<i>Bishop Tyrrell Anglican College (Amendment) Ordinance 2009</i>	11
29 July 2010	Repealed	<i>Schools (Quorum) (Amendment) Ordinance 2010</i>	Subsection 3(10)
23 June 2016	2	<i>Newcastle Anglican Schools Corporation Ordinance Amendment Ordinance 2016</i>	2
	3	<i>Newcastle Anglican Schools Corporation Ordinance Amendment Ordinance 2016</i>	2Aa
	4	<i>Newcastle Anglican Schools Corporation Ordinance Amendment Ordinance 2016</i>	2Ab
	Repealed	<i>Newcastle Anglican Schools Corporation Ordinance Amendment Ordinance 2016</i>	3, 4, 5, 6 and 8
	Repealed	<i>Newcastle Anglican Schools Corporation Ordinance Amendment Ordinance 2016</i>	9

This Ordinance should be read in conjunction with the Bishop Tyrrell Anglican College Incorporation Ordinance 1999

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<p><small>Page 4 of 4</small></p>	