

# Arden Anglican School Council Ordinance 1962

(Reprinted under the Interpretation Ordinance 1985.)

The Arden Anglican School Council Ordinance 1962 as amended by or in accordance with the Arden Anglican School Alteration of Name and Land Sale Ordinance 1972, the Arden Anglican School Council Ordinance 1962 Amending Ordinance 1981, The Council for the Promotion of Sydney Anglican Diocesan Schools (Change of Name) Ordinance 1982, Arden Anglican School Council (Change of Name) Ordinance 1982, the Diocesan Officers (Retirement) Ordinance 1987, the Arden Anglican School Council Ordinance Amending Ordinance 1989, the Arden Anglican School Council Ordinance Amending Ordinance 1990, the Accounts, Audits and Annual Reports Ordinance 1995, the Diocesan Officers (Retirement) Repeal Ordinance 2001 and the Borrowing Limits of Diocesan Organisations Amendment Ordinance 2016.

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## Long Title

An Ordinance to constitute a separate Council of and to provide for the management and control by such Council of the School at Beecroft known as "Arden" and for other matters in respect of the said School.

## Preamble

Whereas The Council for the Promotion of Sydney Anglican Diocesan Schools is at present carrying on a School for Girls at Beecroft known as "Arden Anglican School" (hereinafter called "the School") And Whereas the land used for the purposes of the School more fully described in the Schedule hereto is vested in the Arden Anglican School Council and is subject to certain trusts And Whereas it is expedient to provide for the constitution of a Council to take over and manage the School and for other matters in connection with the order and discipline thereof.

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.

## Council and Membership

1. On and after the first day of July One thousand nine hundred and sixty-two the School shall cease to be managed by The Council for the Promotion of Sydney Anglican Diocesan Schools and shall be managed by a Council constituted as hereinafter provided and to be known as "The Arden Anglican School Council" (hereinafter called "the Council").
2. The members of the Council shall be the Archbishop of Sydney for the time being and:—
  - (a) twelve other persons elected by Synod as herein provided of whom at least four shall be clergymen and
  - (b) two persons appointed by the Archbishop of whom at least one shall be a lay person, who shall hold office for three years but shall be eligible for re-election or re-appointment.
3. (1) The Archbishop of Sydney for the time being shall be President of the Council. Provided always that in the absence of the Archbishop from the State his Commissary, and failing the appointment of a Commissary or during the vacancy of the See or the incapacity of the

Archbishop, the Administrator of the Diocese shall be ex officio a member of the Council and may carry out the powers and functions of the Archbishop under this Ordinance.

(2) A Chairman may be appointed by the Council from amongst its members who shall in the absence of the President preside at all meetings of the Council and in the absence of the President and of the chairman the members present shall from amongst their number elect a Chairman of the day.

4. At meetings of the Council five members shall form a quorum. The President or in his absence the Chairman or Chairman of the day shall have a deliberative vote and in case of an equality of votes a casting vote in addition to a deliberative vote.

5. . . . .

6. At each ordinary session of Synod four of the members of the Council appointed by Synod of whom not more than two shall be clergymen shall retire from office but shall be eligible for re-appointment. Such members shall retire in rotation according to the length of time of office. Provided that where members have held office for an equal length of time the member or members to retire may be determined by ballot taken amongst the members of the Council.

### **Functions**

7. Subject to this Ordinance the Council shall manage, govern and control the School in such a manner as it deems expedient for the benefit of the School as a Church School and in the exercise of such functions shall –

- (a) Control the management and use of the property held by the Council for the purposes of or in connection with the School;
- (b) Make financial and other arrangements and decisions for the present and future carrying on of the School and maintenance improvement and extension of an addition to the lands premises and other property of any kind owned by the Council or occupied or used directly or indirectly by the Council in connection with the School;
- (c) Use and apply for the benefit of the School all property of the Council and all moneys derived therefrom or from the carrying on of the School;
- (d) Determine the course of education and instruction to be provided in the School and all matters of order and discipline relating to the pupils, teaching staff, other employees of the Council and persons carrying out services for or functions in the School.

### **Powers**

8. 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 (the conferring of which shall not be taken as limiting the generality of the preceding words of this clause) –

- (a) To borrow or raise money and secure the repayment thereof with or without interest in such manner as the Council may think fit and to secure the same or the repayment or performance of any debt contract guarantee 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 it in connection with the School;
- (b) To invest and deal with moneys in accordance with the provisions of the Investment of Church Trust Property Ordinance 1990 as amended or any such other form or forms of investment as shall be approved by resolution of the Standing Committee at the request of the Council provided that no such approval shall be effective for a period in excess of three years;
- (c) To purchase take on lease or on hire or in exchange or otherwise by any means whatsoever acquire any real or personal property and any rights or privileges which the Council may think fit;
- (d) To sell improve manage develop exchange lease dispose turn to account or otherwise deal with all or any part of the lands occupied or used directly or indirectly by it in connection with the School;
- (e) To enter into contracts of any kind (including contracts of guarantee and indemnity) and to draw make accept endorse execute and issue cheques;

- (f) To lend and advance money or give credit to any person or company whether on security or not and to take such security (if any) as the Council may think fit for money lent or advanced or credit given by it;
- (g) To employ or appoint or cause to be employed or appointed such persons on such terms and conditions and for such periods as the Council or any person thereto authorised may think fit, and to dismiss or cause to be dismissed or terminate or cause to be terminated the appointment of any person so employed or appointed;
- (h) To control or cause to be controlled the admission withdrawal suspension and expulsion of pupils;
- (i) To appoint such executive or other committee with such powers and duties and to delegate thereto or to a member or employee such matters as the Council may think fit;
- (j) To solicit and accept real or personal property of any kind by way of gift, subsidy or subvention as the Council may think fit;
- (k) To consult with the Councils or governing bodies of other Church Schools and independent schools on matters of common interest and subject to this Ordinance to join with such Councils or governing bodies in endeavours to maintain proper standards of education, preserve independence from control by government whether Federal, State or local and regulate relationships with Federal, State and local governments;
- (l) To make such rules regulations or by-laws not inconsistent with this Ordinance as the Council may think fit.

9. (1) The Council shall not execute or deliver and shall not have power to execute or deliver any mortgage, charge, debenture, guarantee or indemnity unless the following clause is included therein –

“Notwithstanding anything contained herein to the contrary, each of the parties hereto acknowledges and agrees that Arden Anglican School Council 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 Arden Anglican School Council may be able to pay to that party in the event of Arden Anglican School Council being wound up.”

(2) The Council shall not endorse, discount, execute or deliver any bill of exchange or other negotiable instrument other than a cheque drawn on the Council's Bank except where such bill of exchange 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.

10. The Council may act notwithstanding any vacancy amongst its members.

11. The said land and other assets for the time being under the control of the Council shall subject to the trusts upon which they are held be used for the purposes of the School.

#### **Indemnification**

12. The members of the Council shall be indemnified out of the assets for the time being under the control of the Council against all 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.

#### **Reporting and Accounts**

13. The Council shall at least once in every year and also whenever a resolution shall be passed and communicated to it by the Synod of the Diocese of Sydney or its Standing Committee in that behalf report its proceedings and the progress and condition of the School to the Synod or the Standing Committee, as the case may be.

14. The Council shall comply with the provisions of the Accounts, Audits and Annual Reports Ordinance 1995.

#### **Financial Responsibilities**

15. (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 persons 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 Australia (Bodies Corporate) Act 1938 shall or may meet or discharge all or any part of any liability or liabilities which have been or may or will be incurred wholly or partly by or on behalf of the Council.

#### **Common Seal and Orders for Goods and Services**

16. Every order for goods and services or business letter involving securing of credit for the supply of goods or services to the School by or on behalf of the Council shall contain the name of the Council and immediately thereafter or thereunder the words “constituted by the Arden Anglican School Council Ordinance 1962” and the same information shall be shown adjacent to every application of the common seal.

#### **School Chapel and Chaplains**

17. The provisions of the School Chapels and Chaplains Ordinance 1975 shall apply to this school, as if they were contained in this Ordinance.

#### **Citation**

18. This Ordinance may be cited as “Arden Anglican School Council Ordinance 1962”.

#### **The Schedule**

The whole of the land comprised in Certificate of Title Volume 6204 Folio 12 situated in the Shire of Hornsby and known as 39-41 Wongala Crescent, Beecroft.

The whole of the land comprised in Certificate of Title Volume 14118 Folio 34 situated in the Shire of Hornsby and known as 10 Chapman Avenue, Beecroft.

The whole of the land comprised in Certificate of Title Volume 14164 Folio 155 situated in the Shire of Hornsby and known as 67 Beecroft Road, Beecroft.

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#### **Notes**

By order published in the Government Gazette on 3 January 1975 under the Anglican Church of Australia (Bodies Corporate) Act 1938 the Council was incorporated under the name “Arden Church of England School Council”. The name of the body corporate was changed to “Arden Anglican School Council” by Ordinance No 50 of 1982.

#### **Table of Amendments**

Long Title	Amended by Ordinances Nos 42, 1982; 50, 1982 and 24, 1989.
Preamble	Amended by Ordinances Nos 18, 1981; 42, 1982 and 50, 1982.
Clause 1	Amended by Ordinances Nos 48, 1972; 42, 1982 and 50, 1982.
Clause 2	Amended by Ordinances Nos 28, 1987; 24, 1989 and 59, 2001.
Clause 3	Amended by Ordinance No 24, 1989.
Clause 5	Deleted by Ordinance No 24, 1989.
Clause 6	Amended by Ordinances Nos 28, 1987 and 59, 2001.
Clause 7	Amended by Ordinance No 18, 1981.
Clause 8	Amended by Ordinances Nos 18, 1981; 24, 1989 and 5, 1990. Ordinances Nos 23, 1951; 41, 1964; 52, 1964 and 62, 1970 empower mortgaging of property and Ordinance No 62, 1970 empowers granting of easements. Amended by Ordinance No 31, 2016.
Clause 9	Amended by Ordinances Nos 18, 1981; 50, 1982; 24, 1989 and 4, 1990.
Clause 10	Amended by Ordinance No 18, 1981.
Clause 11	Amended by Ordinance No 18, 1981.

Clause 12 Amended by Ordinance No 18, 1981.  
Clause 13 Amended by Ordinance No 18, 1981.  
Clause 14 Amended by Ordinances Nos 18, 1981; 24, 1989 and 34, 1995.  
Clause 15 Amended by Ordinances Nos 18, 1981 and 24, 1989.  
Clause 16 Amended by Ordinances Nos 18, 1981; 50, 1982 and 24, 1989.  
Clause 17 Amended by Ordinance No 24, 1989.  
Clause 18 Amended by Ordinances Nos 48, 1972; 18, 1981; 50, 1982 and 24, 1989.  
The Schedule Amended by Ordinance No 18, 1981.

STEVE LUCAS  
**Legal Counsel**

ROBERT WICKS  
**Diocesan Secretary**

27 September 2016