

ARDEN CHURCH OF ENGLAND SCHOOL COUNCIL ORDINANCE 1962  
AMENDING ORDINANCE 1981

No. 18 1981.

AN ORDINANCE to amend the constitution of the Arden Church of England School Council to provide for the financial responsibility and general management of Arden Church of England School.

WHEREAS

A. By Arden Church of England Girls' School Council Ordinance 1962 the Standing Committee of the Synod of the Diocese of Sydney constituted a Council to be known as "Arden Church of England Girls' School Council" to take over and manage the School for Girls at Beecroft known as "Arden Church of England Girls' School" and provide therein for the management of its affairs.

B. By Arden Church of England Girls' School Alteration of Name and Land Sale Ordinance 1972 the name of the said School was altered to "Arden Church of England School" and the name of the said Council was altered to "Arden Church of England School Council".

C. By Arden Church of England School Council Incorporation Ordinance 1974 Arden Church of England School Council was incorporated pursuant to the provisions of the Church of England (Bodies Corporate) Act 1938 under the name "Arden Church of England School Council".

D. It is expedient that the constitution of the Arden Church of England School Council be amended to provide that the Council should have complete financial responsibility in the course of and for the purpose of managing and carrying on the affairs of the School without recourse to financial resources beyond the control of the Council.

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:-

PART ONE

PRELIMINARY

1. (1) This Ordinance may be cited as "Arden Church of England School Council Ordinance 1969 Amending Ordinance 1981".

(2) Arden Church of England Girls' School Council Ordinance 1962 is hereinafter called the "Principal Ordinance".

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as "Arden Church of England School Council Ordinance 1962-1981". and in any reprint of the Principal Ordinance clause 15 shall be amended accordingly.

(4) Arden Church of England School Council is hereinafter called "The Council".

PART TWO

DUTIES AND POWERS OF COUNCIL

2. (1) The Principal Ordinance is hereby amended:-

(i) By deleting the following words commencing in the sixth line of the preamble to the Principal Ordinance, "Church of England Property Trust Diocese of Sydney and has been mortgaged in pursuance of the Council for the Promotion of Sydney Church of England Diocesan Schools Mortgage Ordinance 1951 (No. 23 of 1951)" and by inserting in their place the following words, "Arden Church of England School Council and is subject to certain trusts".

(ii) By deleting clause 7 of the Principal Ordinance and substituting the following clauses in its place and immediately thereafter:-

"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 and 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.

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 provided that the Council shall not exercise any

power to borrow moneys if the amount which it proposes to borrow when added to the amount of all moneys borrowed by it prior thereto and not repaid prior thereto exceeds Three hundred and fifty thousand dollars (\$350,000.00) or such other amount as may have been last approved by resolution of the Standing Committee;

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(b) To invest and deal with moneys in accordance with the provisions of the Investment of Church Trust Property Ordinance 1978 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;

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(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;

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(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;

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(e) To enter into contracts of any kind (including contracts of guarantee and indemnity) and to draw make accept endorse execute and issue cheques;

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(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

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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;

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(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;

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(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;

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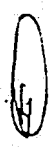
(k) To consult with the Councils or governing bodies of other Church Schools and independent schools on matters of common interest and subject to this Ordinance to join with such Councils or governing bodies in endeavours to maintain proper standards of education, preserve independence from control by government whether Federal, State or local and regulate relationships with Federal, State and local governments;

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(l) To make such rules regulations or by-laws not inconsistent with this Ordinance as the Council may think fit.

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9. (a) The Council shall not execute or deliver and shall not have power to execute or deliver any mortgage, charge, debenture, guarantee, <sup>or</sup> indemnity ~~or promissory note~~ unless the following clause is included therein:-  
"Notwithstanding anything contained herein to the



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contrary, each of the parties hereto acknowledges and agrees that Arden Church of England 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 Church of England School Council may be able to pay to that party in the event of Arden Church of England School Council being wound up."

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(b) 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."

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(iii) By re-numbering clauses 8 to 13 inclusive of the Principal Ordinance as "10 to 15 inclusive" respectively.

(iv) By inserting the following clauses immediately after clause 13 (re-numbered 15):-

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"16. The Council shall comply with the provisions of the Accounts Ordinance 1975 as amended from time to time.

17. (a) The Council shall remain and continue to be solely responsible for all liabilities incurred by it or on its behalf.

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(b) 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 Church of England <sup>in Australia</sup> in the Diocese of Sydney or any other corporate body constituted by or pursuant to the Church of England (Bodies Corporate) Act 1938 shall or may meet or discharge all or any part of any

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liability or liabilities which have been or may or will be incurred wholly or partly by or on behalf of the Council.

18. 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 Church of England School Council Ordinance 1962-1981" and the same information shall be shown adjacent to every application of the common seal."

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(v) By re-numbering clauses 14 and 15 of the Principal Ordinance as "19 and 20" respectively.

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(vi) By substituting in clause 14 (re-numbered 19) the word "1975" for "1954 (No. 39 of 1954)".

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(vii) By deleting the words in the Schedule to the Principal Ordinance and by inserting the following words: "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.

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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.

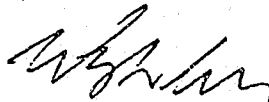
The whole of the land comprised in Certificate of Title Volume 14164 Folio 155 situated in the Shire of Hornsby and known as 67 Beecroft Road, Beecroft."

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

Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the *29th* day of *June* 1981.



Secretary

I ASSENT to this Ordinance.

*M. L. Doonan*

Archbishop of Sydney

*29/6* 1981

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