

THE ILLAWARRA GRAMMAR SCHOOL ORDINANCE 1983

NO. 25, 1983

AN ORDINANCE to vary the qualifications and means of electing the members of the Council of The Illawarra Grammar School.

WHEREAS

A. The Council of The Illawarra Grammar School was constituted by The Illawarra Grammar School Ordinance 1958 as amended by The Illawarra Grammar School Constitution Amending Ordinance 1961 and The Illawarra Grammar School Constitution Amending Ordinance 1966.

B. It is expedient to vary the qualifications and means of electing the members of the Council as hereinafter contained.

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:-

1. (1) This Ordinance may be cited as "The Illawarra Grammar School Ordinance 1983."

(2) The Illawarra Grammar School Ordinance 1958-1966 is hereinafter called the "Principal Ordinance".

(3) The Principal Ordinance as amended by this Ordinance may be cited as "The Illawarra Grammar School Ordinance 1958-1983".

2. (1) Clauses 3-10 of the Principal Ordinance are hereby repealed and the following clauses inserted in their stead:-

"3. In this Ordinance, unless the context otherwise requires or indicates:

(a) "The School" means The Illawarra Grammar School and a reference to "The Council" means the Council of the School constituted from time to time pursuant to this Ordinance.

- (b) "The Archbishop" means the Archbishop of the Diocese of Sydney or in his absence his Commissary or if the See be vacant, the Administrator of the Diocese.
- (c) "Synod" means the Synod of the Diocese of Sydney.
- (d) "The Illawarra Grammarians Association" means the association of past students of The Illawarra Grammar School.
- (e) The singular includes the plural and vice versa and the masculine includes the feminine and vice versa.

4. Subject to Clause 5 (1) the Council shall consist of the following members:

- (a) The Archbishop who shall be President of the Council.
- (b) The Bishop of Wollongong.
- (c) Twelve (12) persons elected by the Synod of whom four (4) shall be clergymen of the Anglican Church of Australia and eight (8) shall be lay persons (which said persons will be referred to herein as "Synod members").
- (d) One person elected by The Illawarra Grammarians Association as long as such association is in existence and consists of no less than 50 financial members and such person will be referred to herein as "the Grammarian member".
- (e) Two (2) persons, one of whom has a child or children at the School at the time of election and is a member of The Illawarra Grammar School Parents and Friends Association and the other has or has had a child or children at

the School, elected by the members referred to in paragraphs (a), (b) and (c) and the members (if any) referred to in paragraph (d) in the manner hereinafter provided (which said persons will be referred to herein as "Council nominees").

5. (1) On the first day of the next ordinary session of Synod held in 1984, or as soon as conveniently may be after that day, the Synod shall elect the Synod members.

(2) As soon as conveniently may be after the said first day, the members appointed pursuant to Clause 4 (b) and sub-clause (1) of this clause and the members (if any) elected under Clause 4 (d) shall elect the Council nominees referred to in Clause 4 (e).

6. (1) Of the Synod members elected pursuant to Clause 5 (1) three (3) (one clergy and two lay persons) shall retire on the first day of the ordinary session of Synod in each respective year.

(2) In each of the next three succeeding years three (3) Synod members (one clergy and two lay persons) shall retire on the first day of the ordinary session of Synod in each respective year.

(3) As soon as conveniently may be after the election of Synod members pursuant to Clause 5 (1) to establish the orderly retirement of Synod members by rotation for the succeeding years until all original appointees referred to in clause 5 (1) have retired, the members of that group (or the available members of that group, a decision of the Chairman on any question of availability being final) shall determine (by agreement or failing

agreement by lot) which of the members shall retire by rotation in accordance with sub-clauses (1) and (2) of this clause and shall forthwith report the determination to the Chairman in writing signed by the persons taking part in the determination, and the Chairman shall inform the President of the determination.

(4) Subject to sub-clauses (1) and (2) of this clause and clause 12 the term of office of a Synod member shall be four (4) years.

(5) For the purpose of retaining the number of Synod members required by sub-clause (c) of Clause 4, in each subsequent year after election of members pursuant to Clause 5, an election shall be held as soon as conveniently may be on or after the first day of each annual ordinary session of Synod.

7. The Council nominees shall be elected as follows:-

(a) The Chairman shall give not less than fourteen (14) days notice in writing to each member of the Council of the date for the closing of nominations.

(b) On or before the date for the closing of nominations each member may, by writing addressed to the Chairman, nominate not more than two (2) persons for election. A nomination

(i) shall include the name, age, address and occupation of the nominee, whether the nominee has children at the School and such other matter as the Chairman may deem appropriate or as the Council may from time to time determine, and

- (ii), shall state that the nominee consents to serve, if elected, for a term of 4 years or such lesser term as may be determined in accordance with this Ordinance.
- (c) As soon as practicable after the date for the closing of nominations, the Chairman shall give not less than fourteen (14) days notice in writing to each member of the Council of the date of a special or ordinary meeting of the Council at which the election will be held. The notice shall include the matter referred to in paragraph (b) (i) in relation to each nominee.
- (d) The members present at the special or ordinary meeting of the Council of which notice has been given under paragraph (c) may, before the election, resolve, by simple majority, that any one or more of the nominees shall be excluded from the election.
- (e) If, after the exclusion of any nominees pursuant to paragraph (d), the number of nominees does not exceed the number of vacancies, the Chairman shall declare those nominees duly elected.
- (f) If, after the exclusion of any nominees pursuant to paragraph (d), the number of nominees exceeds the number of vacancies, a vote shall be taken by secret ballot.
- (g) On the taking of a vote:-
- (i) A returning office will be appointed by the Chairman;
 - (ii) where there is one vacancy to be filled:-

each voter will number the nominees in order of preference, and in the event of no nominee gaining an absolute majority, then the lowest scoring nominee will be eliminated. The second choice, or preference, on which the eliminated nominee appears as first preference, will then be distributed. This procedure will be continued until there is an absolute majority for one nominee, or the remaining nominees have an equal number of votes. If all nominees or two (2) or more remaining nominees receive an equal number of votes the nominee to be elected shall be determined by the Chairman exercising a casting vote;

(iii) where there is more than one vacancy to be filled:-

each voter will number the nominees in order of preference, the lowest scoring nominee will be eliminated. The second choice, or preference, on which the eliminated nominee appears as first preference will then be distributed. This procedure will be continued until two nominees remain or the remaining nominees have an equal number of votes. If all nominees or three (3) or more remaining nominees receive an equal number of votes the nominees to be elected shall be determined by the Chairman exercising a casting vote.

8. (1) Of the Council nominees elected pursuant

to Clause 5 (2) and Clause 7, one (1) shall retire on the second anniversary of the nominees election.

(2) Subject to sub-clause (1) of this clause and clause 12 the term of office of a Council nominee shall be four (4) years.

(3) At the first election of Council nominees pursuant to clause 5 (2) and Clause 7, the nominee who receives the lesser number of votes, or if the number of votes be equal the nominee determined by the Chairman, shall retire pursuant to sub-clause (1) of this clause.

(4) For the purpose of retaining the number of Council nominees required by sub-clause (e) of clause 4 an election shall be held as nearly as practicable on or after the date of retirement of each Council nominee.

9. (1) As soon as conveniently may be after the day upon which this Ordinance comes into force, The Illawarra Grammarians Association shall elect one of its members.

(2) The Grammarian member shall hold office for four (4) years after the date of their election and the Association subject to the proviso contained in clause 4 (d) hereof shall as soon as conveniently may be after the expiration of the term of election of a member elect a replacement.

10. (1) Subject to clause 11 hereof a retiring member (of any category) shall be eligible for re-election and notwithstanding anything contained in this Ordinance shall remain a member (and continue to hold any office to which he may have been elected or appointed by the Council) until the vacancy caused by his retirement has been duly

filled.

(2) Nothing in sub-clause (1) shall apply in respect of a Grammarian member where, on the expiration of his term of office, the membership of the Grammarians Association is less than the number of financial members required for the Association to retain that particular membership.

11. A member shall not be over the age of seventy (70) years at the date of his election or re-election, and shall not be an employee of the Council.

12. (1) A casual vacancy shall occur if an elected member:

- (a) dies;
- (b) resigns his office by writing addressed to the Chairman, and in such a case shall unless the writing specified a later date be deemed to occur when the Chairman receives the writing;
- (c) ceases to have any qualification which was necessary for his election;
- (d) becomes bankrupt or signs any authority effective under Section 188 of the Bankruptcy Act 1966 as amended or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with or assigns his property for the benefit of his creditors;
- (e) becomes within the meaning of the Mental Health Act 1958 as amended an incapable person, a patient, a protected person or a voluntary patient;

- (f) is for a continuous period of three months absent without the leave of the Council from meeting of the Council held during that period; or
- (g) at a meeting of the Council, duly convened expressly for the purpose is declared, by a resolution passed by a majority of not less than two-thirds of the members present and voting, to have vacated his office, provided that before the meeting, the Council shall have
 - (i) informed him of the proposed resolution and the grounds on which it will be proposed and
 - (ii) given him a reasonable opportunity at a meeting of the Council duly convened expressly for the purpose, of showing cause why his office should not be declared vacant.

(2) A casual vacancy in the office of a Synod member shall be filled by the election of a new member by Synod, or when Synod is not in session by the election of a new member by the Standing Committee of Synod, provided that the Synod may by resolution determine that a casual vacancy existing during a session of Synod shall not be filled during that session, and thereupon after the close of that session that vacancy shall be filled by the election of a new member by the Standing Committee.

(3) A casual vacancy in the office of Grammarian member shall be filled by the election of a new member by the Illawarra Grammarians

Association.

(4) A casual vacancy in the office of a Council nominee shall be filled by the election of a new member by the remaining members.

(5) A person who becomes a member pursuant to this clause shall hold office until and retire on the day on which the person whose vacancy he fills would have retired had the vacancy not occurred.

13. (1) The President when present shall preside at meeting of the Council.

(2) The President may from time to time by notice in writing addressed to the Chairman appoint (and change the appointment of) a Deputy who should be entitled to attend all meetings of the Council and in the absence of the President the Deputy shall act as a member and have a deliberative vote. A Deputy President shall continue in office during a vacancy in the See.

(3) The Council shall elect from among the members appointed or elected pursuant to clause 4 (b) or (c) a Chairman who in the absence of the President shall preside at meetings; provided that in the absence of both the President and the Chairman the meeting may appoint one of the members appointed or elected pursuant to clause 4 (b) or (c) then present to act as Chairman of the meeting.

(4) The President, the Chairman or the Acting Chairman shall while presiding at a meeting have both a deliberative vote and a casting vote on any matter at that meeting.

(5) At a meeting of the Council six (6) members of whom at least three shall be Synod

members shall be a quorum. For the purposes of this sub-clause a deputy appointed by the President shall in the absence of the President be reckoned as a member.

(6) Subject to the concurrence of the Chairman the Council may invite any person not a member to be present for the whole or any part of a meeting."

(2) The repeal effected by sub-clause (1) of this clause shall not invalidate or affect any act performed or any appointment, election or regulation made under or by virtue of the repealed clauses of the Principal Ordinance.

(3) Clauses 11-19 of the Principal Ordinance are renumbered clauses 14-22.

3. The members of the Council in office when this Ordinance comes into force being the Archbishop, three (3) persons appointed by the Archbishop and twelve (12) other persons appointed by Synod in pursuance of the provisions of the Principal Ordinance shall, unless otherwise provided in this Ordinance, retain office until the first day of the next ordinary session of Synod held in 1984 and they shall retire on that day but shall be eligible for election.

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

E.D. CAMERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on this 22nd day of August 1983.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
25/10/1983