

**THE SCHOOLS COMMISSION ORDINANCE 1997
AMENDING ORDINANCE 2020
Ordinance No. 6 of 2020**

An Ordinance to amend The Schools Commission Ordinance 1997 regarding the membership of the Commission.

PREAMBLE

Whereas provisions for the operation of the Grafton Anglican Schools Commission are contained in The Schools Commission Ordinance 1997; and

Whereas it is desirable to have the Ordinance amended to allow a larger membership with a broader range of skills and experience on the Grafton Anglican Schools Commission;

Therefore, the Bishop-in-Council in pursuance of powers provided in clause 48.2 of the Diocesan Governance Ordinance 2008 hereby decrees and enacts as follows:

AMENDMENTS

1. At Section 2 Interpretation, insert a new definition for Member of School Council at 2.8 as per the following, and renumber subsequent clauses:

 "Member of a School Council means a person duly appointed as a Member of a School Council pursuant to the provisions of the Ordinance of the Diocese establishing the School Council.;"

2. Delete clauses 8.1.2 and 8.1.3 and insert a new clause 8.1.2 as per the following: "No current Member of a School Council or person currently employed by a School may be a member of the Commission."

3. Replace clause 8.2 and its subclauses with the following:
 - "8.2. The members of the Commission shall number not less than four persons and not more than eight persons and shall be comprised as follows:
 - 8.2.1 The Bishop or a person holding an office pursuant to an Ordinance of the Diocese whom the Bishop appoints as the Bishop's delegate for such term, subject to section 8.6 (j), as the Bishop thinks fit,
 - 8.2.2 Not less than one person but not more than two persons appointed by the Bishop,
 - 8.2.3 Not less than two persons but not more than five persons appointed by the Bishop-in-Council following consultation with the Commission."

4. Replace clause 8.3 with "At least two-thirds of the Commission members must be members of the Anglican Church."

5. Replace the title of clause 8.4 with "Declaration by Commission members"

6. In clause 8.6, add a new sub-clause (j) reading “who is the Bishop’s delegate ceases to hold an office pursuant to an Ordinance of the Diocese.” and conclude sub-clause (i) with “, or;”.

7. Add a new clause 8.7 as follows:

“8.7. The Bishop shall notify the Chair of the Commission of:

8.7.1 The identity of a delegate appointed pursuant to section 8.2.1 and the term of the appointment and

8.7.2 The termination of the appointment of a delegate and the date on which the termination takes effect.”

8. Replace clause 9.1 with “The Bishop shall appoint the Chair of the Commission from among its members.”

9. Replace clause 10.3 with “A quorum at any meeting will be the next whole number above half the number of members of the Commission.”

10. Insert the following clauses at the end of section 10:

“10.8 If the number of members of the Commission falls below four, or the Commission membership otherwise fails to meet the requirements of this Ordinance, then the remaining members shall have power to make one or more recommendations to the Bishop or the Bishop-in-Council to appoint the number of persons necessary to bring the membership in compliance with this Ordinance.

10.9 For purposes of exercising the power in clause 10.8:

10.9.1 Notwithstanding the requirements of section 10.1, a meeting of the Commission may be called by any member of the Commission by giving written notice to all other remaining members of the Commission; and

10.9.2 Notwithstanding the requirements for a quorum set out in section 10.3, a quorum shall be all remaining members of the Commission.”

11. Insert the following clause at the end of section 13:

“13.6. This Ordinance was amended by The Schools Commission Ordinance 1997 Amending Ordinance 2020 which took effect on 21st May 2020.”

COMMENCEMENT

12. This Ordinance shall come into effect upon receiving the assent of the Bishop.

SHORT TITLE

13. This Ordinance may be cited as the Schools Commission Ordinance Amending Ordinance 2020.

ASSENT


We hereby certify that this Ordinance was passed by Bishop-in-Council on the 21st day of May 2020 and that the Ordinance as printed is in accordance with the Ordinance as passed.


.....
Chair of Committees


.....
Registrar

I assent to this Ordinance.


.....
Bishop


.....
Date

THE SCHOOLS COMMISSION ORDINANCE 1997

Preamble

WHEREAS it is desirable to establish an Anglican Schools Commission within the Diocese of Grafton,

THEREFORE the Bishop, Clergy and Laity of the Diocese of Grafton, in Synod assembled decree and enact as follows:

1. Short Title

This Ordinance shall be cited as The Schools Commission Ordinance 1997.

2. Interpretation

- 2.1. **Anglican Church** means the Anglican Church of Australia.
- 2.2. **Bishop** means the present Bishop of Grafton, his or her successors in office and any person formally appointed to exercise the powers of the Bishop during any vacancy in the office of Bishop or absence of the Bishop from duty.
- 2.3. **Bishop-in-Council** means the Council appointed to assist and advise the Bishop in the conduct of the Synod business
- 2.4. **Chair** means the person holding the office of the Chair of the Commission
- 2.5. **Church Trust Property** has the same meaning as in the Anglican Church of Australia Trust Property Act 1917 (as amended).
- 2.6. **Diocese of Grafton** and **Diocese** means the corporation known as the Anglican Diocese of Grafton or the region identified as the Diocese of Grafton by the Anglican Church of Australia, as the context requires.
- 2.7. **Diocesan Policy** means a requirement, restriction, policy or procedure applicable to schools in the Diocese which is either (a) set out in, or approved in accordance with, an ordinance adopted by the Synod, or (b) approved by the Bishop-in-Council.
- 2.8. **Member of a School Council** means a person duly appointed as a Member of a School Council pursuant to the provisions of the Ordinance of the Diocese establishing the School Council.
- 2.9. **Member of the Anglican Church** means a baptised person who attends the public worship of the Anglican Church and who declares membership of the Anglican Church and is not a member of any other church.
- 2.10. **School** means a school governed by a School Council.
- 2.11. **School Council** means a School Council in the Diocese of Grafton which has been incorporated under the Anglican Church of Australia (Bodies Corporate) Act 1938.
- 2.12. **Synod** means the Synod of the Diocese

3. Commission Constituted

There shall be a body called the Grafton Anglican Schools Commission with such objects, powers, membership and functions as are set out in this Ordinance.

4. Objects of the Commission

The Commission is established to:

- (a) advise and make recommendations to the Synod, the Bishop-in-Council and the Schools and support and monitor the Schools in respect of the following matters:
 - (i) the fulfilment of the aims and objectives set out in the Schools' Constitutions;

- (ii) planning, establishment, governance, management, promotion and funding of proposed, new and established Schools;
 - (iii) communication and cooperation among the Schools and between the Schools and the Commission and other diocesan entities;
 - (iv) communication with Federal, State and Local Governments and other relevant educational bodies on matters relating to schools and education;
 - (v) such other matters as may be referred to the Commission by the Synod or the Bishop-in-Council; and
- (b) perform such other functions as may be referred to the Commission by the Synod or the Bishop-in-Council from time to time.

5. Duties of the Commission

Subject to the operation of the other Ordinances and School constitutions, and within the limits imposed by the Synod or Bishop-in-Council, the Commission shall:

- (a) develop for consideration by the Bishop-in-Council policies that:
 - (i) uphold the Christian ethos of Schools and their function as ministries of the Diocese; and
 - (ii) address other matters arising from the Commission's objectives;
- (b) monitor and advise Schools on the consistency of their policies and procedures with Diocesan Policies and the requirements of Governments and provide regular reports on such matters to the Bishop-in-Council;
 - (i) monitor the performance of Schools through the regular receipt from the Schools of information which addresses specified criteria and provide regular reports to the Bishop-in-Council and recommendations to Schools and to the Bishop-in-Council;
 - (ii) monitor Schools' strategic plans, master plans, capital works plans and risk management plans;
 - (iii) assess Schools' capacity to fund and manage proposed capital works projects;
- (c) review and make recommendations to Bishop-in-Council on any proposed acquisition (by purchase, lease, licence, exchange or otherwise) or disposal (by way of sale, mortgage, exchange, lease or otherwise) by a School of rights or interests in real property;
- (d) assess and make recommendations to the Bishop-in-Council concerning membership of School Councils;
- (e) advise the Bishop-in-Council on the planning and establishment of new Schools in the Diocese and the closure of existing Schools;
- (f) undertake a review of the Commission's performance every three years or at such other times determined by the Bishop-in-Council and provide to the Bishop-in-Council a report on the review and recommendations arising therefrom, the first such review to be undertaken in 2018;
- (g) make recommendations to the Bishop-in-Council on amendments to this Ordinance or new procedures to enable this Ordinance to be more effective;
- (h) Assess and make recommendations to the Bishop-in-Council concerning proposals by Schools to establish fundraising entities or to introduce fundraising methods and monitor the operations of such entities and methods.

6. Obligations of Schools

- 6.1. The School Councils and Principals of Schools are required to comply with Diocesan Policies.
- 6.2. Each School must provide to the Commission such information as the Commission may request to enable the Commission to fulfil its objects and duties.
- 6.3. Each School shall pay an annual financial contribution to be used for the purposes of the Commission and Diocesan services to schools.

7. Schools Commission Budget

- 7.1. The Commission will develop an annual budget of income and expenditure to be approved by Bishop-in-Council.

8. Members of the Commission

8.1. Principles of Membership

- 8.1.1. The Commission members should have between them a broad range of skills and experience to assist them to contribute to achieving the objects of the Commission including, but not limited to, education, schools management, finance, law and risk management.
- 8.1.2. No current Member of a School Council or person currently employed by a School may be a member of the Commission.

8.2. The members of the Commission shall number not less than four persons and not more than 8 persons and shall be comprised as follows:

- 8.2.1 The Bishop or a person holding an office pursuant to an Ordinance of the Diocese whom the Bishop appoints as the Bishop's delegate for such term, subject to section 8.6 (j), as the Bishop thinks fit,
- 8.2.2 Not less than one person but not more than two persons appointed by the Bishop,
- 8.2.3 Not less than two persons but not more than five persons appointed by the Bishop-in-Council following consultation with the Commission.

8.3. At least two-thirds of the Commission members must be members of the Anglican Church .

8.4. Declaration by Commission members

Before accepting appointment to the Commission, all prospective members must declare their support for the vision and values of the Diocese, in a format determined from time to time by the Bishop-in-Council.

8.5. Term of Appointment

- 8.5.1. A term of membership of the Commission shall be 3 years
- 8.5.2. A member is eligible for reappointment to a maximum of 3 terms or 9 years served in total.

8.6. Vacancies

A vacancy occurs when a member:

- (a) resigns, or
- (b) dies, or
- (c) becomes physically or mentally ill to a point that in the opinion of a majority of members interferes with that members ability to continue to carry out the function, or
- (d) becomes bankrupt, or
- (e) is convicted of an indictable offence, or
- (f) if appointed by the Bishop, is removed from office by the Bishop, or

- (g) if appointed by the Bishop-in-Council, is removed from office by the Bishop-in-Council, or
- (h) is ineligible to hold office in the Anglican Church arising from a professional standards investigation, or
- (i) is absent without leave for three consecutive meetings of the Commission; or
- (j) who is the Bishop's delegate ceases to hold an office pursuant to an Ordinance of the Diocese.

8.7. The Bishop shall notify the Chair of the Commission of:

- 8.7.1 the identity of a delegate appointed pursuant to section 8.2.1 and the term of the appointment and
- 8.7.2 the termination of the appointment of a delegate and the date on which the termination takes effect.

9. Chair and other Office holders of the Commission

- 9.1. The Bishop shall appoint the Chair of the Commission from among its members.
- 9.2. The Chair will initially be appointed to hold office for the balance of their term as a member of the Commission.
- 9.3. The Bishop may reappoint the Chair, subject to their continuing appointment as a member of the Commission.
- 9.4. The Chair may be removed from the office of Chair by the Bishop, following consultation with the Commission.
- 9.5. The Commission may appoint other officers from among the members of the Commission and define their duties.

10. Functioning of the Commission

- 10.1. The Commission shall meet at least four times in each year as the Commission may determine and the Chairman shall call a special meeting at the request of the Bishop or any four members of the Commission.
- 10.2. The Commission may invite representatives of Schools to attend its meetings.
- 10.3. A quorum at any meeting will be the next whole number above half the number of members of the Commission.
- 10.4. The Commission may co-opt persons to work on subcommittees and project groups accountable to the Commission.
- 10.5. The Commission may hold its meetings by whatever means it deems convenient in the circumstances.
- 10.6. Subject to section 10.7, the Commission has power to do all things expedient to fulfil its objects and duties as it thinks fit.
- 10.7. When exercising its functions, the Commission must have regard to relevant government legislation, diocesan Ordinances, Diocesan Policies, directions of the Synod or the Bishop-in-Council given from time to time and the Constitutions of the Schools.
- 10.8. If the number of members of the Commission falls below four, or the Commission membership otherwise fails to meet the requirements of this Ordinance, then the remaining members shall have power to make one or more recommendations to the Bishop or the Bishop-in-Council to appoint the number of persons necessary to bring the membership in compliance with this Ordinance.

10.9 For purposes of exercising the power in clause 10.8:

10.9.1 Notwithstanding the requirements of section 10.1, a meeting of the Commission may be called by any member of the Commission by giving written notice to all other remaining members of the Commission; and

10.9.2 Notwithstanding the requirements for a quorum set out in section 10.3, a quorum shall be all remaining members of the Commission.

11. Staffing of the Commission

11.1. The Bishop-in-Council may appoint persons to perform duties to support the business of the Commission as the Bishop-in-Council shall determine, with the advice of the Commission.

11.2. The remuneration, terms and conditions of appointments will be determined by the Bishop-in-Council, with the advice of the Commission.

11.3. Funding of positions in the Commission will be met from the Commission's budget.

12. Commission to Report

12.1 The proceedings of the Commission shall be reported in writing to the next succeeding meeting of the Bishop-in-Council and to each School Council.

12.2 The Commission shall report in writing to the annual session of Synod addressing reporting criteria determined by resolution of the Bishop-in-Council. These reports are to include sufficient information on the operations and financial performance of each School to enable the Synod to understand the current and future viability of each School.

13. Amendments to the Ordinance

13.1. This Ordinance may be amended from time to time by the Bishop-in-Council, either at the request of the Commission, the Council, or the initiative of the Bishop-in-Council.

13.2. The Schools Commission Ordinance 1997 took effect on 17th August 1997.

13.3. This Ordinance was amended by The Schools Commission Ordinance 1997 Amending Ordinance 2001 which took effect on 26th May 2001.

13.4. This Ordinance was amended by The Schools Commission Ordinance 1997 Amending Ordinance 2013 which took effect on 13th October 2013.

13.5. This Ordinance was amended by The Schools Commission Ordinance 1997 Amending Ordinance 2017 which took effect on 30th March 2017.

13.6. This Ordinance was amended by The Schools Commission Ordinance 1997 Amending Ordinance 2020 which took effect on 21st May 2020.