

ANGLICAN CHURCH OF AUSTRALIA
DIOCESE OF CANBERRA AND GOULBURN
BURGMANN ANGLICAN SCHOOL ORDINANCE 1998¹

TABLE OF PROVISIONS

PART I - PRELIMINARY	3
1 Short title	3
2 Dictionary	3
PART 2 - ESTABLISHMENT OF THE SCHOOL BOARD	6
3 Establishment of the Board	6
PART 3 - GOALS AND PRINCIPLES	6
4 Goals and principles	6
PART 4 - POWERS AND RESPONSIBILITIES OF THE BOARD	6
5 Functions of the Board	7
6 General Powers of the Board	7
7 Financial powers	8
8 Planning and Benchmarking	9
9 School to operate as part of the Anglican Schools Commission schools.....	9
10 Duty to Inform	9
11 Accounts audit and annual report	10
12 Limitations on expenditure	10
13 Directions by Bishop-in-Council	11
14 Directions by Anglican Schools Commission	11
15 Financial Contribution	11
PART 5 – MEMBERS AND MEETINGS OF THE SCHOOL BOARD	11
16 Constitution of the Board	11
17 Appointment to the Board	12
18 Criteria for appointment as a member of the Board	12
19 Term of office of Board member	13
20 Vacation of office	13
21 Filling of a vacancy on the Board	14
PART 6 - MEETINGS AND PROCEDURES OF THE SCHOOL BOARD	14
22 Powers of the Chair and Deputy Chair	14
23 Convening a Meeting of the Board	15
24 Proceedings of the Board	15
25 Disclosure of interests	16
PART 7 - COMMITTEES OF THE SCHOOL BOARD	17
26 Executive Committee of the Board	17
27 Other Board committees	17
PART 8 - THE PRINCIPAL AND OTHER KEY PERSONNEL	17

¹ Please note that the Original Ordinances included in this Consolidation are recorded in the Ordinance books of the Diocese of Canberra and Goulburn. If you have any concern about this consolidation please email: ordinances@anglicands.org.au

This version of the Ordinance has been authorised by the Chancellor in accordance with section 75 of the Diocesan Legislation Ordinance 2007.

28	Appointment of the Principal	17
29	Duties and powers of the Principal	18
30	Termination of Principal's appointment	19
31	Acting Principal	20
32	The Chaplain	20
PART 9 – ARRANGEMENTS CONCERNING PROPERTY		20
33	Use of assets and funds	20
34	Vesting of real property	21
35	Arrangements with Property Trust for use of property	21
36	Restriction of disposal of property	21
37	Winding up of the School	21
PART 10 - BISHOP AS VISITOR		22
38	The Visitor	22

To establish a Board to manage the Burgmann Anglican School and for other purposes

Recitals

- (a) Subsection 8.1 of the Diocesan Schools Ordinance 1998 provides that Bishop-in-Council may, by resolution, approve the establishment of a new diocesan school; and
- (b) Subsection 8.2 of the Diocesan Schools Ordinance 1998 provides that where Bishop-in-Council approves the establishment of a new diocesan school, Bishop-in-Council must, by ordinance, establish a school board to manage the affairs of the new school; and
- (c) Synod has, pursuant to the powers conferred by article 7 of the Schedule to the Anglican Church of Australia Constitution Act 1902 as amended, delegated to Bishop-in-Council by Synod (Delegation of Functions) Ordinance 1998 power to make ordinances in relation to constituting unincorporated bodies for the purpose of administering any institution or organisation of the Church within the Diocese or of holding, managing or dealing with any church trust property; and
- (d) Bishop-in-Council has, by resolution, approved the establishment of a college in Gungahlin in the Australian Capital Territory under the name of the Burgmann Anglican School.

The Bishop-in-Council, in its capacity as the Standing Committee of the Synod of the Diocese and in exercise of its powers under the Synod (Delegation of Functions) Ordinance 1998, therefore enacts:

PART I - PRELIMINARY²

1 Short title

1.1 This Ordinance is³ the Burgmann Anglican School Ordinance 1998.

2 Dictionary⁴

2.1 In this Ordinance, unless it is clear that another meaning is intended:

bullying means behaviour directed to a person which:

- (a) is repeated;
- (b) is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
- (c) creates a risk to the person's health and safety;

child means anyone under the age of 18;

² Inserted by the Burgmann Anglican School Amendment Ordinance 2019

³ Amended by the Burgmann Anglican School Amendment Ordinance 2019

⁴ Amended by the Burgmann Anglican School Amendment Ordinance 2019

child abuse means:

- (a) the following conduct in relation to a child:
 - (i) bullying; or
 - (ii) emotional abuse; or
 - (iii) neglect; or
 - (iv) physical abuse; or
 - (v) sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour; or
 - (vi) spiritual abuse; or
 - (vii) grooming; or
 - (viii) a child offence; or
 - (ix) failure without reasonable excuse to report child abuse;
- (b) the possession, production or distribution of child exploitation material;

child exploitation material means material that describes or depicts a person who is or who appears to be a child:

- (a) engaged in sexual activity; or
- (b) in a sexual context; or
- (c) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image or any other depiction;

child offence means conduct that amounts to a criminal offence against the laws of the Commonwealth, a State or Territory, or another country which is equivalent to a criminal offence of the Commonwealth or a State or Territory involving the failure to disclose a criminal offence committed against a child to the police;

Child Protection Check means registration under section 40 of the Working with Vulnerable People (Background Checking) Act 2011 (ACT).

Church means the Anglican Church of Australia in the Diocese of Canberra and Goulburn;

Commission means the Anglican Schools Commission;

financial year - see section 4 of the Finance and Annual Reports Ordinance 2003;

goals and principles - section 4;

local means of or within the proximate geographical area in which the School operates, including the Parishes within that area;

Reasonable Market Value means the amount that a knowledgeable and willing third party would pay for a specific good or service in an arm's length transaction from the seller, having regard to:

- (a) the circumstances surrounding the specific transaction;
- (b) the quantity, quality and consistency of provision of the good or service;
- (c) the location and context of the school;
- (d) if the good or service is required urgently, at short notice or must be completed within a specified timeframe (for example, school holidays);
- (e) if the good or service is in short supply at the required standard;
- (f) heritage or related issues (in relation to building and related works); and
- (g) local government requirements.

Safe Ministry Unit means the unit of Anglican Diocesan Services which includes as its responsibility the making and implementing of policy relating to matters involving the prevention of and management of complaints about child abuse;

the Board - section 3;

the Chair - section 17;

the Deputy Chair - section 17;

the Principal - section 28 and includes a person appointed to act as Principal under section 31;

the School means Burgmann Anglican School incorporated under the Anglican Church of Australia (Bodies Corporate) Act 1938 (NSW);

the Visitor - section 38.

Note:⁵

⁵ Inserted by the Burgmann Anglican School Amendment Ordinance 2019

The Dictionary included in the Diocesan Legislation Ordinance 2007 provides definitions of the following terms:

- Anglican Diocesan Services
- Anglican Investment and Development Fund
- Anglican schools
- Anglican Schools Commission
- appoint
- Bishop
- Bishop-in-Council
- Diocese
- Diocesan Agency
- Diocesan School
- Parish
- Professional Standards Director
- Property Trust
- Registrar
- writing

2.2 A reference in this Ordinance to another ordinance is to be read as a reference to that other ordinance as amended from time to time.⁶

PART 2 - ESTABLISHMENT OF THE SCHOOL BOARD⁷

3 Establishment of the Board

3.1 The Burgmann Anglican School Board is established for the purpose of managing The Burgmann Anglican School.

3.2 The School is a Diocesan School conducted under and in accordance with the Anglican Schools Ordinance of the Diocese of Canberra and Goulburn 2016.

PART 3 - GOALS AND PRINCIPLES⁸

4 Goals and principles⁹

4.1 The Board must, in its conduct of the affairs of the School, give effect to the goals and principles for the operation of diocesan schools set out in section 6 of the Anglican Schools Ordinance of the Diocese of Canberra and Goulburn 2016¹⁰.

4.2 The Board must have regard to the role of the School as an integral part of the ministry of the Church within the School's area of influence.

PART 4 - POWERS AND RESPONSIBILITIES OF THE BOARD¹¹

⁶ Inserted by the Burgmann Anglican School Amendment Ordinance 2019

⁷ Inserted by the Burgmann Anglican School Amendment Ordinance 2019

⁸ Inserted by the Burgmann Anglican School Amendment Ordinance 2019

⁹ Renumbered by the Burgmann Anglican School Amendment Ordinance 2019

¹⁰ Amended by the Burgmann Anglican School Amendment Ordinance 2019

¹¹ Inserted by the Burgmann Anglican School Amendment Ordinance 2019

5 Functions of the Board¹²

5.1 The functions of the Board are

- (a) to control and govern the School¹³ in accordance with this Ordinance;
- (b) to be responsible for the performance of the School;¹⁴
- (c) to ensure, with the Principal, that the School has a vision, values and direction which align with the mission, vision and values of the Church;¹⁵
- (d)¹⁶ to do all other things necessary or convenient for the conduct of the affairs of the School¹⁷;
- (e) to carry out such other functions as may be given to the Board by any Ordinance; and¹⁸
- (f) to carry out such other functions as are approved or referred to it from time to time by Bishop-in-Council or the Anglican Schools Commission.¹⁹

6²⁰ General Powers of the Board

6.1 Subject to this Ordinance, the Board has power:

- (a) to appoint and employ the Principal;
- (b) to acquire and hold personal property;
- (c) subject to paragraph (d), to enter into contracts;
- (d) subject to the approval of the Anglican Schools Commission, to enter into agreements or arrangements with any Commonwealth, State or local government agency, or with any other person;
- (e) to establish and support or aid in the establishment and support of agencies or other associations, institutions, funds, trusts, or other enterprises consistent with its functions, provided that such bodies are subject to the governance or

¹² Renumbered by the Burgmann Anglican School Amendment Ordinance 2019

¹³ Amended by the Burgmann Anglican School Amendment Ordinance 2019

¹⁴ Inserted by the Burgmann Anglican School Amendment Ordinance 2019

¹⁵ Inserted by the Burgmann Anglican School Amendment Ordinance 2019

¹⁶ Relettered by the Burgmann Anglican School Amendment Ordinance 2019

¹⁷ Amended by the Burgmann Anglican School Amendment Ordinance 2019

¹⁸ Inserted by the Burgmann Anglican School Amendment Ordinance 2019

¹⁹ Inserted by the Burgmann Anglican School Amendment Ordinance 2019

²⁰ Sections 6-38 inserted by the Burgmann Anglican School Amendment Ordinance 2019

direction of the Board, unless the Anglican Schools Commission approves otherwise;

(f) to cooperate with other Schools in the Diocese; and

(g) to do anything necessary for, or reasonably incidental to, its functions.

6.2 The Board shall, in the exercise of its functions, take into account the mission and interests of the Diocese.

6.3 In the exercise of the functions of the Board, a member of the Board is authorised to act in the best interests of the Diocese and, so long as that member acts in good faith in so doing and the School is not insolvent at that time or does not become insolvent because of that member's act or acts, the member is taken to have acted in good faith in the best interests of the School.

7 Financial powers

7.1 The School has the power to borrow monies or raise funds for the purpose of the School and may do so from time to time in accordance with this section.

7.2 Subject to this section, the School must not borrow monies without the prior approval of Bishop-in-Council.

7.3 Other than by way of overdraft with a financial institution, the School may enter into credit arrangements with suppliers of usual operational supplies on a regular and standard commercial basis.

7.4 The School may only enter into leases of equipment or other chattels with the prior approval of the Anglican Schools Commission.

7.5 The School must not, without the prior approval of the Anglican Schools Commission, do anything that would result in the total amount of the liabilities of School at any time exceeding the amount determined by the Anglican Schools Commission as the limit of the School's borrowings from time to time.

7.6 All borrowing by the School must be conducted through the Anglican Investment and Development Fund unless the School can demonstrate to the reasonable satisfaction of the Anglican Schools Commission that such borrowings are not at a Reasonable Market Value.

7.7 The School may only enter derivative, swap or hedge transactions or any financial arrangement of a similar nature with the approval of the Anglican Schools

Commission and subject to the oversight of these transactions or arrangements by the Anglican Investment and Development Fund.

8 Planning and Benchmarking

8.1 In addition to the requirements of the Finance and Annual Reports Ordinance 2003 the Board must present to the Anglican Schools Commission, at least 2 months before the close of each financial year, a draft business plan for the ensuing 10 years to be approved by the Anglican Schools Commission.

8.2 The business plan may consist of the previously approved business plan updated to take account of the additional year and any material changes required because of changes in circumstances and must set out–

- (a) the objectives for the School, including the educational and financial objectives, for the period of the plan; and
- (b) the performance indicators adopted by the Board to measure the performance of the School against the objectives.

9 School to operate as part of the Anglican Schools Commission schools

9.1 The School will co-operate with the other Diocesan Schools and will, where appropriate, take advantage of the economies of scale available to the School through the operations of the Anglican Schools Commission, including:

- (a) common contracts for the supply of goods and services; and
- (b) services supplied by the Anglican Schools Commission, Anglican Diocesan Services and Diocesan Agencies including financial services provided by the Anglican Investment and Development Fund and the supply of staff employed by Anglican Diocesan Services.

provided that the services so supplied are supplied at no more than Reasonable Market Value.

10 Duty to Inform

10.1 Subject to subsection 10.2, the Board has a duty:

- (a) to provide any information, including access to any documents, requested by Anglican Schools Commission; and

- (b) to keep the Anglican Schools Commission and Bishop-in-Council informed of the affairs of the School.

10.2 The Board is not required to provide any information or produce any document to the Anglican Schools Commission which provision or production would breach any law or where the School reasonably satisfies the Commission that the provision or production would breach any reasonable claim for confidentiality or privacy for the information or document to be provided or produced to which the Anglican Schools commission would not be entitled to have access.

10.3 If it appears to the School at any time during a financial year that the School is likely to incur a deficit of more than the amount as may be specified from time to time by the Anglican Schools Commission, the School must forthwith report that fact to the Commission.

11 Accounts audit and annual report

11.1 The School must comply with the requirements of the Finance and Annual Reports Ordinance 2003.

Note:

In the Finance and Annual Reports Ordinance 2003 -

Section 6 relates to record keeping and circumstances that may affect the ability of the School to pay its debts as and when they fall due;

Section 7 relates to the need for internal controls, including policies, procedures for the control of assets and liabilities, monitoring of the effectiveness of the internal controls

Section 8 relates to the need for a seal register

Section 9 relates to the audit

Section 10 relates to the statements for audit

Section 13 relates to the preparation of an annual report and its submission to the Anglican Schools Commission and the Bishop-in-Council

Section 14 relates to the provision of a report on liquidity

Section 15 relates to the provision of any other information required.

12 Limitations on expenditure

12.1 If any goods or services needed by the School are available from another Diocesan Agency, the School will purchase those goods or services from that Agency if available at not more than Reasonable Market Value.

12.2 When, despite subsection 12.1, the School decides not to purchase any goods or services from another Diocesan Agency that is reasonably able to supply them at not

more than Reasonable Market Value, the School shall notify the Diocesan Agency and the Anglican Schools Commission in writing of the decision and the reasons for it not later than 21 days before the purchase.

13 Directions by Bishop-in-Council

13.1 The Board must comply with a direction given by Bishop-in-Council in accordance with section 26 of the Anglican Schools Ordinance Diocese of Canberra and Goulburn 2016.

14 Directions by Anglican Schools Commission

14.1 The Board must comply with a direction given by Anglican Schools Commission in accordance with section 27 of the Anglican Schools Ordinance Diocese of Canberra and Goulburn 2016.

15 Financial Contribution

15.1 The School shall, upon presentation of an invoice, pay to Anglican Diocesan Services an amount certified by the Registrar as reasonable payment for the resources, facilities and services made available to the School by the Church, the Diocese, the Property Trust, Anglican Diocesan Services and the Anglican Investment and Development Fund.

15.2 Such payment may be in addition to, but will not include payment for, services for which the School is otherwise liable to pay under any Service Level Agreement with Anglican Diocesan Services.

PART 5 – MEMBERS AND MEETINGS OF THE SCHOOL BOARD

16 Constitution of the Board

16.1 The Board comprises–

- (a) the Chair;
- (b) the Deputy Chair;
- (c) a member of the local clergy appointed by Bishop-in-Council on the advice of the Anglican Schools Commission after consultation with the Bishop and the Board;
- (d) a lay person from a local Anglican worshipping community appointed by Bishop-in-Council on the advice of the Anglican Schools Commission after consultation with the Board; and

- (e) 5 persons appointed by Bishop-in-Council on the advice of the Anglican Schools Commission and after consultation with the Board.

16.2 The Principal is entitled to attend all meetings of the Board and its committees and speak at them unless the Board resolves to meet in the absence of the Principal to discuss the appointment, performance or employment terms and conditions or entitlements of the Principal.

17 Appointment to the Board

17.1 The Chair and Deputy Chair of the Board shall be appointed by Bishop-in-Council on the advice of the Anglican Schools Commission which shall, before providing such advice, consult with the Bishop and, if practical, the Board.

17.2 When considering the appointment to the Board under paragraphs 16.1(a), (b) and (e), Bishop-in-Council will take into consideration:

- (a) local committed members of this Church;
- (b) local persons who are active members of other Christian denominations;
- (c) members of the parents and friends of the School;
- (d) members of the School's alumni association; and
- (e) other persons who have a strong background in financial or educational matters.

17.3 Bishop-in-Council and the Anglican Schools Commission are not required to give reasons for not accepting a recommendation or any advice of the Anglican Schools Commission or the Board as the case may be.

18 Criteria for appointment as a member of the Board

18.1 A person who is, whether in a full time or a part time capacity, employed by the School for remuneration other than payment of out-of-pocket expenses, is not eligible for appointment as a Member of the Board.

18.2 A person who has been convicted of an offence involving child abuse is not eligible for appointment as a Board member.

18.3 No person may be appointed to the Board until the Board has undertaken an appropriate due diligence process and unless the person has completed a Child Protection Check and the results reported to Bishop-in-Council when considering the appointment of that person.

18.4 The due diligence process referred to in subsection 18.3 is a police check to disclose any matters that would affect the office of a member of the Board under subsections 18.2 or 20.1 and such other checks as the Board, after consultation with the Professional Standards Director, considers appropriate.

18.5 A person shall not take up office as a member of the Board until that person has completed such training in professional standards provided by the Safe Ministry Unit, but Bishop-in-Council may resolve to appoint a person to the Board subject to the completion of this training.

18.6 In making appointments to the Board, Bishop-in-Council shall take into account the need for adequate educational and financial expertise on the Board.

18.7 A person appointed as a member of the Board must, before taking up office, declare in writing, in a form approved by the Anglican Schools Commission, that he or she

- (a) supports the goals and principles;
- (b) supports the propagation and practice of the Anglican faith within the broad Christian context; and
- (c) recognises this as an object of the School.

19 Term of office of Board member

19.1 Subject to this section, a member of the Board holds office for a term of 3 years and is eligible for re-appointment, provided that a member may not be appointed for more than three terms unless there are, in the opinion of Bishop-in-Council, compelling reasons for doing so.

19.2 A member of the Board may be appointed for such lesser period than 3 years, if Bishop-in-Council considers that it is desirable and convenient to avoid the positions of too many members of the Board becoming vacant at the same time.

20 Vacation of office

20.1 The office of a Board member becomes vacant when the member—

- (a) dies;
- (b) resigns;
- (c) is absent without the permission of the Board from 3 consecutive meetings of the Board;

- (d) is directly or indirectly interested in any contract or proposed contract with the School and fails to declare the nature of his or her interest under section 25;
- (e) ceases to be eligible for appointment as a Board member;
- (f) declares in writing to the Chair of the Anglican Schools Commission that he or she no longer supports the goals and principles;
- (g) becomes, in the opinion of the Bishop-in-Council, no longer capable, due to physical or mental incapacity, of carrying out the duties of a Board member;
- (h) is removed by Bishop-in-Council pursuant to subsection 20.2;
- (i) becomes bankrupt or disqualified under the Corporations Act 2001 (Cth) from managing a corporation; or
- (j) is convicted of an offence punishable by imprisonment for a term of more than twelve months or of an offence involving an assault upon or abuse of a child.

20.2 Despite subsection 20.1, Bishop-in-Council may remove from office any member of the Board if, in its opinion, it is desirable to do so in the interests of the School or of the Diocese, but shall not be required to state any reason for doing so.

21 Filling of a vacancy on the Board

21.1 Where a vacancy occurs in an office of a member of the Board, Bishop-in-Council may on the advice of the Anglican Schools Commission appoint a person who is qualified for appointment to fill the vacancy.

21.2 The Anglican Schools Commission shall consult with the Board before providing advice to Bishop-in-Council under subsection 21.1.

21.3 Section 18 applies to the appointment of a person under subsection 21.1.

21.4 A person appointed under this section holds office for the remainder of the term of the person in respect of whom the vacancy occurred.

PART 6 - MEETINGS AND PROCEDURES OF THE SCHOOL BOARD

22 Powers of the Chair and Deputy Chair

22.1 The Chair shall, in addition to other duties and powers set out in this Ordinance:

- (a) be responsible for the good, efficient and effective operation of the Board;

- (b) be responsible for ensuring that the Chair of the Anglican Schools Commission is kept appropriately informed of the affairs of the School; and
- (c) carry out such other duties and have such other powers as shall be decided from time to time by the Anglican Schools Commission after consultation with the Board.

22.2 The Deputy Chair has and may exercise, during any absence or inability of the Chair to perform their functions, or during any vacancy in the office of the Chair, all of the powers and functions of the Chair.

23 Convening a Meeting of the Board

23.1 The Board must hold such meetings as are necessary for the effective performance of its functions.

23.2 The Chair:

- (a) may at any time convene a meeting of the Board; and
- (b) must convene a meeting of the Board if so requested in writing by such number of other members of the Board as would constitute a quorum.

23.3 The Visitor or the Chair of the Anglican Schools Commission may convene a meeting of the Board at any time.

23.4 Unless the Visitor, the Chair of the Anglican Schools Commission or the Chair declares a meeting to be urgently required, at least 7 days' notice must be given to members of the time and place of a meeting of the Board.

23.5 If a meeting is declared to be urgent under subsection 23.4, the meeting may be called at less than 7 days' notice, but as much notice as practicable must be given to each member.

24 Proceedings of the Board

24.1 Subject to this section, the Board may regulate its own procedures.

24.2 Each member of the Board has one vote but if the votes on a matter are equal the matter shall be decided in accordance with the vote of the person presiding at the meeting.

- 24.3 A quorum for a meeting of the Board shall be one half of the members of the Board for the time being or where that number is not a whole number the next largest whole number.
- 24.4 The Chair shall preside at each meeting of the Board unless he or she is absent or is unable or unwilling to act.
- 24.5 If the Chair does not preside at a meeting of the Board, the Deputy Chair, if available and willing to act, shall preside.
- 24.6 In the absence or unwillingness to act of the Chair and Deputy Chair, the meeting may elect one of its number to preside at the meeting.
- 24.7 The Board may act notwithstanding any vacancy in its membership.
- 24.8 If the number of Board members at any one time falls below 5 the Board may only make decisions for the purpose of dealing with business of an urgent nature.
- 24.9 A meeting of the Board may be held by electronic means of communication between the members of the Board or between members of the Board present together in one or more places and in electronic communication with other members of the Board not so present that reasonably allows each member to hear and take part in the discussion as it happens.
- 24.10 A vote of members of the Board otherwise than at a meeting of the Board may be taken by mail, facsimile transmission, electronic mail, telephone or other means of communication.
- 24.11 A resolution on which a vote is taken in accordance with subsection 24.10 is to be taken to have been agreed to by the Board if a majority of members of the Board vote in favor of the resolution and the resolution must be reported to the next succeeding meeting of the Board and recorded in the minutes of that meeting.

25 Disclosure of interests

- 25.1 A member of the Board who has a direct or indirect pecuniary or personal interest in a matter being considered, or to be considered, by the Board must, as soon as possible after the relevant facts come to the member's knowledge, disclose the nature of that interest at a meeting of the Board.
- 25.2 The disclosure must be recorded in the minutes of the meeting and the member must not:

(a) be present during any deliberation of the Board in relation to the matter; or

(b) take any part in the decision of the Board in relation to the matter

unless the Board, voting without that member's vote, consents to him or her doing so and records in the minutes of the meeting the disclosure and the giving of such consent under this subsection.

PART 7 - COMMITTEES OF THE SCHOOL BOARD

26 Executive Committee of the Board

26.1 There shall be an Executive Committee of the Board comprising the Chair, the Deputy Chair, and such other number of Board members as the Board may determine from time to time.

26.2 Between meetings of the Board, the Executive Committee may, subject to any limitations imposed by the Board, exercise all the powers of the Board.

26.3 The quorum for a meeting of the Executive Committee shall be fixed by the Board.

27 Other Board committees

27.1 The Board may establish such committees as it considers is desirable and may delegate any of its powers other than this power of delegation to such other committees as it thinks fit from time to time.

27.2 Any such committee shall consist of at least one member of the Board and such other persons as the Board or, if delegated by the Board, the Committee may determine.

27.3 The powers and duties delegated to such a committee shall be upon such terms and conditions as the Board may determine including the fixing of a quorum for meetings of the Committee.

27.4 The Chair shall be an ex-officio member of any such committee.

PART 8 - THE PRINCIPAL AND OTHER KEY PERSONNEL

28 Appointment of the Principal

28.1 The Principal is appointed by the Board.

28.2 Before appointing a person to be the Principal, the Board must obtain the consent of the Bishop to the proposed appointment.

- 28.3 The Board shall, in the event of a vacancy in the position of Principal, appoint a panel to arrange the selection of a person for appointment to that position and recommend a person to the Board for appointment.
- 28.4 The Board must, before appointing the panel referred to in subsection 28.3, invite the Anglican Schools Commission to nominate a person for appointment to the panel and, if the Commission does nominate such a person, the Board must appoint that person to the panel.
- 28.5 The panel may conduct its business as it sees fit, subject to any directions of the board, and shall endeavour to come to a unanimous recommendation but may make a majority recommendation.
- 28.6 The terms and conditions of appointment of the Principal are such as are determined by the Board.

29 Duties and powers of the Principal

- 29.1 The Principal shall be responsible to the Board for the leadership, educational standards, management and welfare of the School.
- 29.2 Without limiting subsection 29.1, the Principal shall—
- (a) employ on behalf of the Board all staff of the School in accordance with a staffing establishment and within the approved budget, and on terms and conditions, approved by the Board from time to time, subject to any direction to the contrary made under sections 13 or 14;
 - (b) diligently pursue the goals and principles as they apply to the operations of the School;
 - (c) be responsible for implementing policy decisions of the Board;
 - (d) be responsible for the day-to-day management of the School including, without limitation, the maintenance of teaching standards and discipline among staff and students and the care of and proper accounting for the property of the School;
 - (e) report to the Board on any matters pertaining to the management of the School as the Board may from time to time require;
- 29.3 The Principal may authorise such expenditure as is necessary for the proper management of the School within any financial limits determined by the Board

from time to time and in accordance with estimates of expenditure approved by the Board.

29.4 A reference in this section to the employment of staff includes the authority to appoint, dismiss, suspend or discipline a member of the staff.

30 Termination of Principal's appointment

30.1 The Principal may resign from office by giving not less than six months' notice in writing to that effect to the Board.

30.2 The Board may, by a two-thirds majority of its members, resolve to terminate the appointment of the Principal by giving the Principal not less than six months' notice in writing to that effect.

30.3 The Principal ceases to hold office if he or she:

- (a) has been convicted of an offence punishable by imprisonment for a term of 12 months or more; or has been convicted of an offence involving child abuse;
- (b) becomes bankrupt or becomes disqualified from managing a corporation under the Corporations Act 2001 (Cth); or
- (c) becomes of unsound mind.

30.4 The Board may terminate the appointment of the Principal on such notice and subject to such terms and conditions as the Board considers appropriate if–

- (a) in the Board's reasonable opinion the Principal –
 - (i) has been guilty of serious misconduct whether in respect of his or her duties as Principal or otherwise and whether the misconduct occurred before or after his or her appointment as Principal; or
 - (ii) the Principal is unable, by reason of physical or mental incapacity, to discharge his or her duties as Principal; or
- (b) the Principal is directly or indirectly interested in any contract or proposed contract with the School otherwise than by reason of his or her appointment as Principal and fails to declare the nature of that interest in a manner required by a resolution of the Board.

30.5 Where—

- (a) the Board considers, on reasonable grounds, that a case may exist for terminating the appointment of the Principal under subparagraphs 30.4(a)(i) or (ii); or
- (b) the Principal has been charged with an offence punishable by imprisonment for a term of 12 months or more,

the Board may suspend the Principal from office on such conditions as to payment of salary and otherwise as the Board determines.

30.6 The Board may not act under subsections 30.2, 30.4 or 30.5 unless the Chair and Deputy Chair of the Board have first discussed the matter with the Bishop and the Chair of the Anglican Schools Commission.

31 Acting Principal

31.1 The Board may appoint a person to act as Principal during any vacancy in the office of Principal or where the Principal is, or is expected to be, absent from duty.

31.2 The Board may not make an appointment under subsection 31.1 without the prior approval of the Anglican Schools Commission.

32 The Chaplain

32.1 There shall be a Chaplain of the School who shall be appointed by the Principal with the approval of the Bishop.

32.2 The Principal shall appoint the Chaplain on such terms and conditions as are agreed between the Bishop and the Principal.

32.3 The Chaplain will be part of a ministry team in the School, in recognition of the close relationship that is intended to exist between the School and the local worshipping communities and also of the roles of the other members of the School staff in the ministry of the Church through the School.

PART 9 – ARRANGEMENTS CONCERNING PROPERTY

33 Use of assets and funds

33.1 All monies and property received or derived in connection with the School shall be applied solely towards the promotion, development and conduct of the School in accordance with this Ordinance and no part of them shall be paid or transferred

directly or indirectly by any means whatsoever as profit to any member of the Board or of the staff of the School.

33.2 Nothing in subsection 33.1 prevents the payment in good faith to any person, including a member of the Board or of the staff of the School,

- (a) of reasonable and proper remuneration in return for services actually rendered to the School; or
- (b) for goods supplied in the ordinary and usual conduct of the School; or
- (c) of interest on money borrowed by the School at rates not exceeding those for the time being that would be levied by the Anglican Investment and Development Fund on such money if borrowed for the purposes of the School; or
- (d) of reasonable and proper rent for premises let to the School for their purposes; or
- (e) of out-of-pocket expenses reasonably incurred while engaged in business for the School

34 Vesting of real property

34.1 Any real property acquired for the purposes of the School shall be vested in the Property Trust.

35 Arrangements with Property Trust for use of property

35.1 The Property Trust may enter into arrangements with the School for the use by the School of property held or acquired by the Property Trust for purposes within the functions of the School.

36 Restriction of disposal of property

36.1 The School must not acquire, or dispose of:

- (a) an estate or interest in real property; or
- (b) a leasehold estate or interest;

without consultation with the Property Trust and the prior approval of the Anglican Schools Commission.

37 Winding up of the School

37.1 If, on the winding up or dissolution of the School, there remains, after satisfaction of

all its debts and liabilities, any property whatsoever, it shall not be paid to or distributed among the members of the Board but shall be transferred to the Property Trust for the purposes of providing, through an Anglican School, educational facilities or services within the Diocese of the kind provided by the School.

37.2 In the event that no Property Trust exists for the purposes of subsection 37.1, then any property as mentioned in that subsection shall be transferred to any corporation, association or diocese which is then conducting an Anglican School in Australia so long as the body limits the use of the property so transferred at least as specifically as provided for in the subsection.

37.3 In this section, “Anglican School” means a school in which the majority of the governing body consists of persons appointed or elected by or at the instance of a Synod of a diocese of the Anglican Church of Australia or licensed as clergy by the Bishop of that diocese or employed by that diocese or any agencies of that diocese.

37.4 Bishop-in-Council shall determine the identity of the Anglican School to which any property is to be transferred under subsections 37.1 and 37.2.

PART 10 - BISHOP AS VISITOR

38 The Visitor

38.1 The Bishop is the Visitor to the School.

38.2 The Visitor shall have the powers and functions customarily attaching to the office of Visitor of a charitable corporation.

NOTES

Burgmann Anglican School Ordinance 1998 passed without amendment by Bishop-in-Council on 9 October 1998 and assented to by Bishop George on 9 October 1998

School Boards Amendment Ordinance 2000 passed without amendment by Bishop-in-Council on 29 February 2000 and assented to by Bishop George 29 February 2000

Finance and Annual Reports Ordinance 2003 passed with amendment on 14 September 2003 and assented to by Bishop George 14 September 2003

Finance and Annual Reports (Consequential Amendments) Ordinance 2003 assented to on 14 September 2003

Diocesan Schools Commission Schools (Amendment) Ordinance 2008 assented to 4 April 2008

Burgmann Anglican School Amendment Ordinance 2019 passed without amendment by Bishop-in-Council on 8 February 2019 and assented to by Bishop Trevor on 8 February 2019.