

THE SCHOOLS COMMISSION ORDINANCE 1997
AMENDING ORDINANCE 2013
Ordinance No. 5 of 2013

An Ordinance to amend the The Schools Commission Ordinance 1997.

PREAMBLE

WHEREAS presently the objects, membership and function of the Anglican Schools Commission – Diocese of Grafton are set forth in The Schools Commission Ordinance 1997 AND WHEREAS it is desirable to amend such Ordinance THEREFORE the Bishop, Clergy and Laity of the Diocese of Grafton, in Synod assembled, decree and enact as follows:

AMENDMENT

1. The Schools Commission Ordinance 1997 is amended by deleting all the words after the Title and substituting in place thereof the Schedule to this Ordinance.
2. This Ordinance shall come into effect upon receiving the assent of the Bishop.

SHORT TITLE

This Ordinance may be cited as The Schools Commission Ordinance 1997 Amending Ordinance 2013.

ASSENT

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.


.....
Chairman of Committees

I certify that this Ordinance was passed by Synod on the 13th day of October, 2013.


.....
Registrar (ACTING)

I assent to this Ordinance.


.....
Bishop. Dio. Admin.

THE SCHOOLS COMMISSION ORDINANCE 1997

AMENDING ORDINANCE 2013

SCHEDULE

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. **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 or absence from the Diocese.
- 2.2. **Bishop-in-Council** means the Council appointed to assist and advise the Bishop in the conduct of the Synod business
- 2.3. **Chair** means the person holding the office of the Chair of the Commission
- 2.4. **Church Trust Property** means property managed in accordance with the Anglican Church of Australia Trust Property Act 1917 (as amended).
- 2.5. **Diocese of Grafton** and **Diocese** means the region identified as such by the Anglican Church of **Australia**
- 2.6. **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.
- 2.7. **Member of the Anglican Church** means a baptised person who attends the public worship of this Church and who declares membership of this Church and is not a member of any other church.
- 2.8. **School** means an Anglican School in the Diocese.
- 2.9. **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.
- 2.10. **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. Authority of the Commission

- 4.1. The Commission shall have the authority to conduct its affairs in accordance with the provisions of any relevant Act of Parliament, Diocesan Ordinance, Diocesan policy or any direction of the Synod or the Bishop-in-Council given from time to time.
- 4.2. In exercising its authority the Commission shall have regard to the constitution of any School in the Diocese.

5. Objects of the Commission

The object of the Commission shall be to develop, monitor and support Schools in the Diocese as centres of learning and ministries of the Anglican Church, and more particularly

- a) to support and encourage the development of Schools as faith communities and ministries of the Anglican Church,
- b) to provide quality education that is financially accessible to local communities,
- c) to support Schools in the Diocese, both existing and new, in planning, establishment, governance, financial management, promotion and funding,
- d) to develop operational and financial policies, strategies and procedures that are in the best interests of the Schools and the Diocese,
- e) to provide oversight and monitor the operations and financial management of Schools in order to achieve the optimum development of the Schools within a risk management framework for the Diocese,
- f) to undertake research and strategic planning on matters related to the development of new and existing Schools in the Diocese,
- g) to facilitate and promote initiatives and arrangements to provide operational efficiencies and cost savings to Schools,
- h) to facilitate communication and cooperation among the Schools and between the Schools and the Commission and the Diocese,
- i) to provide representation as required for the Schools and the Diocese with Federal, State and Local Governments and other relevant educational bodies on matters relating to education and the funding of non-government schools,
- j) to undertake such other functions as may be referred to the Commission by the Bishop-in-Council.

6. Power and Duties

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 may

- a) develop policies for consideration by the Bishop in Council that support and develop the Christian ethos in Schools and their function as ministries of the Anglican Church,
- b) develop policies for consideration by the Bishop in Council for application in Schools in the areas of governance, financial management and the appointment of the Principal, Deputy Principal and Business Manager,
- c) monitor and advise on the consistency of school policies in the areas of risk management, child protection, professional standards, harassment and bullying and occupational health and safety,
- d) establish standardised financial management guidelines and reporting formats for Schools,
- e) monitor the performance of Schools through the regular receipt of financial and operational reports against an agreed set of performance criteria and provide regular reports to Bishop-in-Council,
- f) address areas of operational concern through the receipt of ongoing reports against progress and by recommending that Bishop in Council directs remedial action,
- g) monitor, review and provide feedback on the 5year plans for each School at least annually,
- h) monitor Schools' capital works plans and undertake an assessment of Schools' financial and project management capacity to fulfil project requirements,

- i) review and make recommendations to Bishop-in-Council on the educational and operational basis for any proposed sale, mortgage, exchange, lease, disposal of Church Trust Property owned or utilised by a School,
- j) in consultation with Schools, assess and approve nominations for appointment to School Councils under delegation from Bishop-in-Council,
- k) coordinate any program of events for School leaders, teachers, staff and students to promote connections within the Diocese,
- l) develop strategic and operational plans for the Commission and implement initiatives to achieve the objects of the Commission,
- m) investigate and advise Synod on the planning and establishment of new Schools for the Diocese; or the expansion or closure of existing Schools
- n) develop a dispute resolution procedure for matters relating to Diocesan policies and procedures applicable to Schools,
- o) in consultation with Schools form such sub-committees of Principals, Business Managers, other specialists and advisers to advise the Commission on matters as required,
- p) have undertaken an independent review of the Commission's performance every three years and provide recommendations to Bishop-in-Council on any amendments to its Ordinance or new procedures to enable its present Ordinance to be more effective.

7. Obligations of Schools

- 7.1. The School Councils and Principals of Schools are required to comply with Diocesan policies in regard to the operation of the School.
- 7.2. Each School shall pay an annual financial contribution, to be used for the purposes of the Commission and Diocesan services to schools.

8. Schools Commission Budget

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

9. Members of the Commission

9.1. Principles of Membership

- 9.1.1. 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.
- 9.1.2. A person currently serving as a member of a School Council may be appointed a member of the Commission
- 9.1.3. No person employed by a School may be a member of the Commission.

9.2. The members of the Commission shall be;

- a) The Bishop who shall be President of the Commission,
- b) One person appointed by the Bishop,
- c) Four persons appointed by the Bishop-in-Council following consultation with the Commission,

At least four (4) of the Commission members must be members of the Anglican Church with any others being a member of another Christian church.

9.3. Appointment of 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.

9.4. Term of Appointment

9.4.1. A term of membership of the Commission shall be 3 years

9.4.2. A member is eligible for reappointment to a maximum of 3 terms or 9 years served in total.

9.4.3. Where a person fills a casual vacancy and is reappointed, the period served to fill a casual vacancy shall not be counted for the previous clause.

9.5. Casual Vacancies

A casual 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) is ineligible to hold office in the Anglican Church arising from a professional standards investigation, or
- h) is absent without leave for three consecutive meetings of the Commission,

9.5.1. A person who fills a casual vacancy shall hold office for the remainder of the term of the person whose vacancy was filled.

10. Chair and other Officer holders of the Commission

10.1. The Chair of the Commission must be a member and shall be appointed as Chair by the Bishop,

10.2. The Chair may be removed from the office of Chair by the Bishop, following consultation with the Commission.

10.3. The Chair will initially be appointed to hold office for the balance of their term as a member of the Commission. The Bishop may reappoint the Chair, subject to their continuing appointment as a member of the Commission.

10.4. The Commission may appoint other officers from among the members of the Commission and define their duties.

11. Functioning of the Commission

11.1. 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.

11.2. Normally the Commission will invite all School Principals to attend its regular meetings.

11.3. A quorum at any meeting will be at least four (4) members of the Commission.

11.4. The Commission may co-opt persons to work on subcommittees and project groups accountable to the Commission.

11.5. A meeting can be held electronically or via teleconference as long as 72 hours notice is provided unless all members agree to a shorter notice period.

12. Staffing of the Commission

12.1. 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.

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

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

13. Commission to Report

13.1. 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. .

13.2. The Commission shall report in writing to the annual session of Synod. These reports are to include sufficient information on the operational and financial performance criteria of each School to enable the Synod to understand the current and future viability of each School.

14. Transition

14.1. The membership of the Commission in place prior to the adoption of this Ordinance will expire on the adoption of this Ordinance

14.2. Members of the Commission under the previous Ordinance will be eligible for appointment to the Commission established under this Ordinance subject to the Principles of Membership outlined in clause 9.2.

14.3. Initial terms of appointment may be varied by determination of the Commission to ensure that not all membership positions become vacant at the same time. Subsequent terms of appointment shall be 3 years.