

THE LAW
of the
CHURCH OF ENGLAND



in the
DIOCESE OF ARMIDALE
N.S.W.

DIOCESE OF ARMIDALE

THE ARMIDALE SCHOOL ORDINANCE

1947-1956

WHEREAS the Diocese of Armidale is desirous of acquiring by purchase The Armidale School situated at Armidale as a going concern and the Synod of the said Diocese being in agreement with such desire and in pursuance of the powers conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales ordains and rules as follows:—

1. The said Diocese is hereby authorised to acquire the said The Armidale School as a going concern and the assets thereof and for that purpose the Corporate Trustees of the said Diocese are hereby authorised to enter into and execute a Contract for the purchase from The Armidale School Limited the lands set forth in the Schedule hereto together with all buildings and constructions thereon and the furniture plant book debts assets business and undertaking of the said School together with any endowments appertaining thereto for a sum which will cover the debt to the Bank and cover the cost of the transfer upon the terms and subject to the conditions and agreements to be set forth in a Contract of Sale to be prepared by the Solicitors for the said Company and to be approved by the Solicitors for the said Diocese.

2. The said Corporate Trustees in whom the lands described in the Schedule hereto are or shall be vested are hereby authorised and empowered with the advice and consent of the Diocesan Council and without the necessity of complying with the terms of the Land Sale, Leasing or Mortgaging Regulations to borrow or raise money to be secured by Mortgage on the said lands and hereditaments described as aforesaid and the said Corporate Trustees shall be and are hereby authorised to sign seal and execute all necessary mortgages or securities containing usual covenants with a Power of Sale over the said lands and hereditaments unto and to the person or persons Corporate Bodies or Companies advancing such principal moneys on mortgages as aforesaid by securing the repayment thereof with interest thereon.

3. The business of the said School shall be carried on by the said Diocese on the said lands and in the said buildings and with the plant furniture and equipment thereof as and under the name or style of "The Armidale School" and same shall be carried on as a Great Public School with the following objectives in view:—

- (a) To carry on at Armidale or elsewhere in the said State the School known as "The Armidale School" where students shall obtain primary and secondary education with religious and moral instruction in conformity with the doctrine and principles of the Church of England in Australia and Tasmania.
- (b) To found and endow scholarships, bursaries or other foundations within the School itself or at any University whether in the State of New South Wales or otherwise, but if at a University then only for students from the said School. And to provide prizes for pupils at the said School.

(c) To secure the repayment of any sum or sums of moneys or advances borrowed or raised as aforesaid and interest thereon or any other indebtedness or obligation of the said School in such manner as the Council of the said School shall think fit and in particular by mortgages or charges or other securities upon the real or personal estate of the said School.

(d) To repay (by the terms and in manner mentioned in a certain Deed of Trust, dated the nineteenth day of July, 1844, under the hands of William Croasdale, Alexander Walker Scott, the Right Reverend William Grant Broughton, Lord Bishop of Australia, and James Mitchell), the loan of £500 from the Society for Promoting Christian Knowledge mentioned in such Deed of Trust.

(e) To apply any profits arising from the carrying on of the business of the School in repayment of any moneys borrowed or raised on the security of the assets and in improvements extensions and/or additions to the School premises plant and equipment and in and towards the provision of scholarships bursaries and other foundations as provided for in subsection (b) hereof and in and towards the provision of pensions, annuities and/or superannuations for masters and other employees of the school or otherwise as the Council may think fit.

(f) Generally to purchase, take on lease or in exchange hire or otherwise acquire any real and personal property and any rights or privileges which the School may think necessary or convenient for the purpose of its business and in particular any lands of any tenure and any stock and plant.

4. The School shall be governed by a Council hereinafter throughout referred to as the Council, consisting of the Bishop for the time being of the Diocese who will be President, the Archdeacon of Armidale, two clerical and two lay members to be appointed by Synod and five members to be appointed by The Armidale School Old Boys' Union of whom at least three shall be members of the Church of England.

Clause 4 of this Ordinance shall not be deleted varied or amended without prior consultation with and the consent in writing to such deletion variation or amendment of the Armidale School Old Boys' Union.

5. The members of the Council to hold office until the Council (other than the Bishop) is elected in accordance with Clause 20 hereof shall be the Right Reverend John Stoward Moyes, Bishop of the Diocese of Armidale, Arthur Wakefield Simpson, Clive Archdall Dickens, Colonel Harold Fletcher White, Eustace Simpson, Philip Arundel Wright, Geoffrey Edwin Forster, Francis Desmond Vyner, Peter Dangar and the Rev. H. K. Gordon.

6. The Council shall appoint from among its members a Vice Chairman; an Honorary Secretary and an Honorary Treasurer. The Council shall also appoint a Clerk to the Council who shall keep a regular account of the funds of the School and shall present to the Diocesan Council through the School

Council an annual Statement of Accounts and a Balance Sheet audited and certified to by a Public or Chartered Accountant appointed for this purpose by the School Council.

7. All payments shall be made by the authority of the Council and all cheques so authorised shall be drawn upon the School Account and be signed by two persons authorised by the School Council.

8. The Bishop of the Diocese in which the School is situated shall be Visitor of the School with power to inspect same generally and to report his views on any matter affecting the welfare or conduct of the School to the Council. No alterations affecting the religious instruction in the School according to the design hereinbefore mentioned shall have any effect unless the consent in writing of the Bishop has previously been obtained thereto.

9. (a) The Headmaster shall be a clergyman in full orders or a lay communicant of the Anglican Communion and a graduate of a recognised university, and shall not take any other employment without the consent of the Council, provided however that if in the opinion of the Council there be among the applicants a clergyman of suitable qualifications he shall be chosen as Headmaster and duly appointed as such.

(b) The Headmaster shall be appointed by the Council and shall give three months' notice to the Council of his intention to resign the appointment, and shall be removable or be suspended only by the vote of a majority of the whole number of the Council at a meeting of the Council specially convened for that purpose. Three months' notice of such removal shall be given to the Headmaster.

10. (a) The Headmaster shall submit to the Council for their approval the plan of education to be pursued in the School upon the principles hereinbefore set forth, and times and hours of attendance, the duration of the school terms and holidays, and shall from time to time confer with them as he or they may think necessary on all matters tending to the advantage of the School.

(b) The internal regulation of the School domestic as well as scholastic shall be subject to the approval of the Council but under the sole management of the Headmaster who shall carry into effect the system of education for the time being approved by the Council, and shall make an annual report to the Council on the state of the School.

(c) The moral government and discipline of the pupils, whether boarders or day scholars in and out of school, and the making and enforcing of all rules and regulations in reference thereto, as well as the supervision, regulation and control of the boarding-houses in regard to their moral discipline and government of the pupils, and their regular attention to the studies and exercises required of them out of School hours, shall be likewise confided to the Headmaster.

(d) In the event of any flagrant misconduct on the part of a pupil the Headmaster may suspend him and shall forthwith report such suspension with the cause thereof to the Council who, if they see fit, may expel the pupil.

(e) The Headmaster shall subject to the approval of the Council engage and dismiss the matron and domestic servants.

11. The appointment and removal of all Masters and Assistants in the School shall rest with the Headmaster, subject to the approval of the Council, and in the case of a man in Holy Orders subject also to the approval of the Bishop of the Diocese of Armidale, and the Headmaster shall regulate the duties of all such Masters and Assistants and shall be responsible to the Council for the performance of the same.

12. Whenever and so long as the Headmaster shall be a layman there shall be a Chaplain in full orders upon the staff of the School; such Chaplain to be appointed by the Headmaster subject to the approval of the Bishop.

13. The resident Masters and Assistants shall be members of the Church of England and shall not undertake any employment or tuition out of the School except during holidays without the previous consent in writing of the Headmaster and the Council, provided however, that the religious qualification herein referred to may be suspended in individual cases with the consent of the Bishop of the Diocese.

14. A rebate of not less than 50 per cent. of the board and tuition fees charged by the School shall be made in favour of the sons of clergymen of the Church of England.

15. The Headmaster and Assistant Masters shall have the privilege of sending their own sons to the School free of expense for tuition.

16. The daily business of the School shall be opened and closed with a short selection of prayers from the Liturgy of the said Church of England or such other prayers as are authorised by the Bishop.

17. At all meetings of the Council seven members shall form a quorum and the President shall have a casting vote.

18. If any elected member of the Council shall have been absent from three consecutive meetings of the Council without leave of the Council the seat of such member may be declared vacant by resolution of the Council.

19. Whenever a vacancy shall occur in the said Council among the members elected by Synod such vacancies shall be filled by the election of a new member by the Diocesan Council of the said Diocese, who shall hold office until the next meeting of Synod. Any such vacancy occurring among the members elected by the Old Boys' Union shall be filled by the election of a new member by the said Union.

20. At the first Synod held after the completion of the purchase of the said School as aforesaid and thereafter at the first session of each succeeding Synod the Synod shall elect four members of the Council as provided for in clause 4 hereof. The Council shall arrange with the Old Boys' Union for the appointment of five representatives to the first Council, who shall report the appointment made to the Bishop prior to the Synod election. Any member so appointed as aforesaid shall remain in office for a period of one year therefrom. Interim successors in office shall retire on the day on which the members of the

Council whose places they were elected to fill were due for retirement.

21. Thereafter the Old Boys' Union shall make due provision for the election each year of representatives to Council by members of their Union.

22. The Council shall make provision for every member of The Armidale School Limited appearing as a shareholder on the Share Register of the said Company at date of completion of the purchase of the said School as aforesaid to have the privilege of nominating to the School one pupil in respect of each fully paid up share in the Company held by him but no such pupil shall be admitted without the previous consent of the Council as to his eligibility. A rebate shall be allowed to such members of the said Company in respect of the school fees paid by them to the said Council calculated at the rate of five per cent. on the capital paid up or credited as paid up on the share or shares held by them as aforesaid.

23. This Ordinance shall be known as "The Armidale School Ordinance 1947-1956".

SCHEDULE

All that piece or parcel of land containing by admeasurement 32 acres 3 roods 30 $\frac{1}{2}$ perches in the Parish of Armidale County of Sandon. Contained in Crown Grant Vol. 963 Folio 164 Allotment 16 Section 154; Vol. 1003 Folio 180 Allotment 18 Section 154; Vol. 1003 Folio 191 Allotment 19 Section 154; Vol. 1004 Folio 28 Allotment 15 Section 154; Vol. 1004 Folio 29 Allotment 17 Section 154; Vol. 1004 Folio 54 Allotment 10 11 12 13 14 Section 154; Vol. 1009 Folio 40 Allotment 1 2 3 4 5 6 7 8 9 and 20 Section 155; Volume 1025 Folio 122 Section 155; Vol. 1009 Folio 41 Allotment 10 11 12 13 14 15 16 17 18 19 Section 155; Vol. 1045 Folio 177 Allotment 1 2 3 4 5 6 7 8 9 and 20 Section 154, Vol. 4161 Folio 97 Closed Road; Conveyance dated 8/3/23 N 965 Book 1296 12 acres 2 roods Allotment 1 of Section 146 and 1 2 3 4 Section 143.

THE ARMIDALE SCHOOL ORDINANCE AMENDING ORDINANCE (1965)

WHEREAS it is desired to amend The Armidale School Ordinance 1935-1957, the Synod of the Diocese of Armidale assembled in pursuance of the powers conferred upon it by the Constitutions for the management and good government of the Church of England in Australia within the State of New South Wales ordains and rules as follows:

1. Clause 4 of the Armidale School Ordinance 1947-1956 shall be and is hereby amended by deleting the word "and" in line 4 of Clause 4 and by adding at the end of the first paragraph of Clause 4 the words "and one other member appointed by the Council itself. The appointment of such one other member by the Council shall be 'until the first session of the next Synod'."
2. This Ordinance shall be known as "The Armidale School Ordinance Amending Ordinance 1965".

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The Armidale School Ordinance, 1947.

WHEREAS the Diocese of Armidale is desirous of acquiring by purchase The Armidale School situated at Armidale as a going concern and the Synod of the said Diocese being in agreement with such desire and in pursuance of the powers conferred upon it by the Constitution for the management and good government of the Church of England within the State of New South Wales ordains and rules as follows:—

1. The said Diocese is hereby authorised to acquire the said The Armidale School as a going concern and the assets thereof and for that purpose the Corporate Trustees of the said Diocese are hereby authorised to enter into and execute a Contract for the purchase from The Armidale School Limited the lands set forth in the Schedule hereto together with all buildings and constructions thereon and the furniture plant book debts assets business and undertaking of the said School together with any endowments appertaining thereto for a sum which will cover the debt to the Bank and cover the cost of the transfer upon the terms and subject to the conditions and agreements to be set forth in a Contract of Sale to be prepared by the Solicitors for the said Company and to be approved by the Solicitors for the said Diocese

2. The said Corporate Trustees in whom the lands described in the Schedule hereto are or shall be vested are hereby authorised and empowered with the advice and consent of the Diocesan Council and without the necessity of complying with the terms of the Land, Land Sale, Leasing or Mortgaging Regulations Ordinance 1935 to borrow or raise money to be secured by Mortgage on the said lands and hereditaments described as aforesaid and the said Corporate Trustees shall be and are hereby authorised to sign seal and execute all necessary mortgages or securities containing usual covenants with a Power of Sale over the said lands and hereditaments unto and to the person or persons Corporate Bodies or Companies advancing such principal moneys on mortgage as aforesaid by securing the repayment thereof with interest thereon.

3. The business of the said School shall be carried on by the said Diocese on the said lands and in the said buildings and with the plant furniture and equipment thereof as and under the name or style of "The Armidale School" and same shall be carried on as a Great Public School with the following objectives in view—

- (1) To carry on at Armidale or elsewhere in the said State the School known as "The Armidale School" where students shall obtain primary and secondary education with religious and moral instruction in conformity with the doctrine and principles of the Church of England in Australia and Tasmania.
- (ii) To found and endow scholarships, bursaries or other foundations within the School itself or at any University whether in the State of New South Wales or otherwise,

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but if at a University then only for students from the said School. And to provide prizes for pupils at the said School.

- (iii) To secure the repayment of any sum or sums of moneys or advances borrowed or raised as aforesaid and interest thereon or any other indebtedness or obligation of the said School in such manner as the Council of the said School shall think fit and in particular by mortgages or charges or other securities upon the real or personal estate of the said School.
- (iv) To repay (by the terms and in manner mentioned in a certain Deed of Trust, dated the nineteenth day of July, 1844, under the hands of William Crossdill, Alexander Walker Scott, the Right Reverend William Grant Broughton, Lord Bishop of Australia, and James Mitchell), the loan of £500 from the Society for Promoting Christian Knowledge mentioned in such Deed of Trust.
- (v) To apply any profits arising from the carrying on of the business of the School in repayment of any moneys borrowed or raised on the security of the assets and in improvements extensions and/or additions to the school premises plant and equipment and in and towards the provision of scholarships bursaries and other foundations as provided for in subsection (ii) hereof and in and towards the provision of pensions, annuities and/or superannuations for masters and other employees of the school or otherwise as the Council may think fit.
- (vi) Generally to purchase, take on lease or in exchange hire or otherwise acquire any real and personal property and any rights or privileges which the School may think necessary or convenient for the purpose of its business and in particular any lands of any tenure and any stock and plant.

4. The School shall be governed by a Council hereinafter throughout referred to as the Council, consisting of the Bishop for the time being of the Diocese who will be president, the Archdeacon of Armidale, two clerical and two lay members to be appointed by Synod and five members to be appointed by The Armidale School Old Boys' Union of whom at least three shall be members of the Church of England.

5. The members of the Council to hold office until the Council (other than the Bishop) is elected in accordance with Clause 20 hereof shall be the Right Reverend John Stoward Moyes, Bishop of the Diocese of Armidale, Arthur Wakefield Simpson, Clive Archdall Dickens, Colonel Harold Fletcher White, Eustace Simpson, Phillip Arundel Wright, Geoffrey Edwin Forster, Francis Desmond Vyner, Peter Dangar and the Rev. H. K. Gordon.

6. The Council shall appoint from among its members a Vice Chairman; an Honorary Secretary and an Honorary Treasurer.

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The Council shall also appoint a Clerk to the Council who shall keep a regular account of the funds of the School and shall present to the Diocesan Council through the School Council an annual Statement of Accounts and a Balance Sheet audited and certified to by a Public or Chartered Accountant appointed for this purpose by the School Council.

7. All payments shall be made by the authority of the Council and all cheques so authorised shall be drawn upon the School Account and be signed by two persons authorised by the School Council.

8. The Bishop of the Diocese in which the School is situated shall be Visitor of the School with power to inspect same generally and to report his views on any matter affecting the welfare or conduct of the School to the Council. No alterations affecting the religious instruction in the School according to the design hereinbefore mentioned shall have any effect unless the consent in writing of the Bishop has previously been obtained thereto.

9. (a) The Headmaster shall be a clergyman in full orders or a lay communicant of the Anglican Communion and a graduate of a recognised university, and shall not take any other employment without the consent of the Council, provided that all other things being equal a clergyman shall have the preference.

(b) The Headmaster shall be appointed by the Council and shall give three months' notice to the Council of his intention to resign the appointment, and shall be removable or be suspended only by the vote of a majority of the whole number of the Council at a meeting of the Council specially convened for that purpose. Three months notice of such removal shall be given to the Headmaster.

10. (a) The Headmaster shall submit to the Council for their approval the plan of education to be pursued in the School upon the principles hereinbefore set forth, and times and hours of attendance, the duration of the school terms and holidays, and shall from time to time confer with them as he or they may think necessary on all matters tending to the advantage of the School.

(b) The internal regulation of the School domestic as well as scholastic shall subject to the approval of the Council be under the sole management of the Headmaster who shall carry into effect the system of education for the time being approved by the Council, and shall make an annual report to the Council on the state of the School.

(c) The moral government and discipline of the pupils, whether boarders or day scholars in and out of school, and the making and enforcing of all rules and regulations in reference thereto, as well as the supervision, regulation and control of the boarding-houses in regard to their moral discipline and government of the pupils, and their regular attention to the studies and exercises required of them out of School hours, shall be likewise confided to the Headmaster.

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(d) In the event of any flagrant misconduct on the part of a pupil the Headmaster may suspend him and shall forthwith report such suspension with the cause thereof to the Council who, if they see fit, may expel the pupil.

(e) The Headmaster shall subject to the approval of the Council engage and dismiss the matron and domestic servants.

11. The appointment and removal of all Masters and Assistants in the School shall rest with the Headmaster, subject to the approval of the Council, and in the case of a man in Holy Orders subject also to the approval of the Bishop of the Diocese of Armidale, and the Headmaster shall regulate the duties of all such Masters and Assistants and shall be responsible to the Council for the performance of the same.

12. Whenever and so long as the Headmaster shall be a layman there shall be a chaplain in full orders upon the staff of the School; such chaplain to be appointed by the Headmaster subject to the approval of the Bishop.

13. The resident Masters and Assistants shall be members of the Church of England and shall not undertake any employment or tuition out of the School except during holidays without the previous consent in writing of the Headmaster and the Council, provided however that the religious qualification herein referred to may be suspended in individual cases with the consent of the Bishop of the Diocese.

14. A rebate of 50% of the board and tuition fees charged by the School shall be made in favour of the sons of clergymen of the Church of England.

15. The Headmaster and Assistant Masters shall have the privilege of sending their own sons to the School free of expense for tuition.

16. The daily business of the School shall be opened and closed with a short selection of prayers from the Liturgy of the said Church of England or such other prayers as are authorised by the Bishop.

17. At all meetings of the Council seven members shall form a quorum and the President shall have a casting vote.

18. If any elected member of the Council shall have been absent from three consecutive meetings of the Council without leave of the Council the seat of such member may be declared vacant by resolution of the Council.

19. Whenever a vacancy shall occur in the said Council among the members elected by Synod such vacancies shall be filled by the election of a new member by the Diocesan Council of the said Diocese, who shall hold office until the next meeting of Synod. Any such vacancy occurring among the members elected by the Old Boys' Union shall be filled by the election of a new member by the said Union.

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20. At the first Synod held after the completion of the purchase of the said School as aforesaid and thereafter at the first session of each succeeding Synod the Synod shall elect four members of the Council as provided for in clause 4 hereof. The Council shall arrange with the Old Boys' Union for the appointment of five representatives to the first Council, who shall report the appointment made to the Bishop prior to the Synod election. Any member so appointed as aforesaid shall remain in office for a period of one year therefrom. Interim successors in office shall retire on the day on which the members of the Council whose places they were elected to fill were due for retirement.

21. Thereafter the Old Boys' Union shall make due provision for the election each year of representatives to Council by members of their Union.

22. The Council shall make provision for every member of The Armidale School Limited appearing as a shareholder on the Share Register of the said Company at date of completion of the purchase of the said School as aforesaid to have the privilege of nominating to the School one pupil in respect of each fully paid up share in the Company held by him but no such pupil shall be admitted without the previous consent of the Council as to his eligibility. A rebate shall be allowed to such members of the said Company in respect of the school fees paid by them to the said Council calculated at the rate of five per cent. on the capital paid up or credited as paid up on the share or shares held by them as aforesaid.

23. This Ordinance shall be known as "The Armidale School Ordinance 1947."

SCHEDULE.

All that piece or parcel of land containing by admeasurement 32 acres 3 roods 30 $\frac{1}{2}$ perches in the Parish of Armidale County of Sandon. Contained in Crown Grant Vol. 963 Folio 164 Allotment 16 Section 154; Vol. 1003 Folio 190 Allotment 18 Section 154; Vol. 1003 Folio 191 Allotment 19 Section 154; Vol. 1004 Folio 28 Allotment 15 Section 154; Vol. 1004 Folio 29 Allotment 17 Section 154; Vol. 1004 Folio 34 Allotment 10 11 12 13 14 Section 154; Vol. 1009 Folio 40 Allotment 1 2 3 4 5 6 7 8 9 and 20 Section 155; Folio 1025 Folio 122 Section 155; Vol. 1009 Folio 41 Allotment 10 11 12 13 14 15 16 17 18 19 Section 155; Vol. 1045 Folio 177 Allotment 1 2 3 4 5 6 7 8 9 and 20 Section 154; Vol. 4161 Folio 97 Closed Road; Conveyance dated 8/3/23 N 965 Book 1296 12 acres 2 roods Allotment 1 of Section 146 and 1 2 3 4 Section 143.