

An Act to Incorporate Saint John's College as a College within the University of Sydney

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Whereas considerable funds have been subscribed for the Institution and Endowment in the Archdiocese of Sydney of a Roman Catholic College within the University of Sydney, to be called "The College of Saint John the Evangelist" wherein the students shall receive systematic religious instruction and be brought up in the doctrines and discipline of the Roman Catholic Church, and provision be made for the residence of the Students and their preparation for the University Lectures and Examinations under Collegiate control. And whereas it is expedient that the said College should be incorporated: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:

I So soon as it shall be made to appear to the satisfaction of the Governor that a sum of not less than ten thousand pounds has been subscribed or contributed for the Endowment aforesaid, and that the amount has either been paid or secured to be paid for that purpose, and that a Rector and eighteen Fellows for the Government of the said College in accordance with the constitution thereof, as in this Act set forth, have been duly appointed and elected respectively, the same shall be notified by Proclamation in the New South Wales Government Gazette, under the hand of the Governor; and immediately upon such notification and from thenceforth the Rector and the Fellows of the same College shall be and they are hereby constituted a Body Politic and Corporate, by the name of "The Rector and Fellows of Saint John's College", by which name the said incorporated body shall have perpetual succession and a common seal, and shall sue and be sued or otherwise appear and answer and be answered, and may take and hold to them and their successors by grant will or otherwise in perpetuity or for any term of life and years as well chattels and other personal property as lands buildings and other hereditaments, and the same or any part thereof may alien or otherwise dispose of or demise, and also shall or may do all things incident or appertaining to a Body Politic and Corporate.

II Provided always that it shall not be lawful for the said Corporation or any persons or person seized of or entitled to lands in trust for the Corporation, or for the purposes of the College to alienate, mortgage, charge or demise any lands or hereditaments granted to or in trust for the Corporation, or for College purposes by Her Majesty or Her Successors, without the consent in writing of the Governor, with the advice of the Executive Council for the time being.

III The said Body Politic or Corporate shall consist of a Rector and eighteen Fellows, of whom six shall always be duly approved priests and twelve shall be laymen, which said eighteen Fellows shall appoint the Rector who shall not be one of themselves, and the Rector and Fellows, for the time being shall together form a Council to be called "The Council of St. John's College", in which shall be vested at all times the Government in every respect of the College and all matters relating thereto.

IV The Roman Catholic Archbishop of Sydney shall be Visitor of the College, with all such powers as by law appertain to the office of Visitor of a College.

V The Rector shall always be a duly approved priest or a practising Catholic layperson, and the Council shall have power to appoint a Vice-Rector who shall, in the Rector's absence have all the powers and discharge all the duties of Rector. Where the Rector is not a duly approved priest the Council shall appoint a Dean who shall be a duly approved priest and who shall have pastoral duties in relation to the

residents of the College. Where the Vice-Rector is a duly approved priest, the Vice-Rector may hold the position of Dean.

VI The Rector and Vice-Rector shall be respectively liable to removal or suspension for sufficient cause by the Fellows subject to an appeal to the Visitor.

VII All vacancies in the office of Rector or in the number of Fellows, occasioned by death, resignation or removal, or other cause, shall as soon as conveniently may be after the vacancy (on notification of the fact under the hand of two Fellows) be supplied in the manner following, that is to say, in the office of Rector by the Fellows, and in the place of post of Fellow by the remaining Fellows.

VIII Provided that the first eighteen Fellows shall be elected by the Subscribers to the funds of the College at a meeting of the Subscribers to be convened by the Visitor by notice in one or more newspapers published in Sydney at least one fortnight before the day appointed for such meeting. And that all vacancies in the number of Fellows so soon as there shall be twenty members of the College who are graduates of the University continuing on the books of the College shall be supplied by the remaining Fellows, and the said Graduates in such manner as the Council may appoint.

TERM OF OFFICE

As from January 1st 1995, a person elected as a Fellow shall hold office for the term of five years from the date of the person's election or such other term as a by-law or rule made under Section 10 may provide.

IX The College of St. John hereby incorporated shall be a College of and within the University of Sydney, and all Students in the College shall immediately upon entering therein matriculate in the said University and shall thereafter continue to be Members thereof and submit and be subject to the discipline thereof, and shall be required duly and regularly to attend Lectures of the University on those subjects, an examination and proficiency in which are required for Honors and Degrees, with the exception (if thought fit by the Council) of the Lectures on Ethics, Metaphysics and Modern History.

X The Council of the College shall have power from time to time to make and establish all such By-Laws and Rules for carrying into effect the several provisions and objects of this Act, and particularly for declaring the causes which shall create vacancies in the office of Fellow, and directing who shall preside at Meetings of the Council and of the Fellows and for the management of the College, and prescribing the duties of the several officers thereof, and of the Rector and Vice-Rector, and the ordering of all things in and connected with the College, and the discipline thereof as to the said Council shall seem expedient, and such Laws and Rules or any of them from time to time to alter or revoke or to substitute others in their place.

XI Provided that every such By-Law and Rule shall be transmitted to the Governor within thirty days after being made, to be by him laid before the Houses of Parliament of the Colony as soon as conveniently may be thereafter.

XII Provided also that the Rector and Vice-Rector of the College, subject only to the Laws and Rules so made, shall have the general superintendence and control of the Students and of the Institution.

XIII The votes of all meetings of the Council (except votes for the appointment of a Rector) shall be taken exclusively of the person presiding, unless there shall be an equality of votes, in which case he shall have a casting vote, and in every case where

all the Fellows resident within fifty miles of Sydney entitled to attend shall have had notice of the time and place of intended meeting, one Clerical and two Lay Members of the Council with the Rector shall constitute a meeting of the Council, and the votes and proceedings of the majority of any such meeting shall be taken and accepted as the votes and proceedings of the Council or Fellows respectively.

XIV Provided that it shall be lawful for the Council by any By-Law or By-Laws to alter the mode of supplying vacancies in the office of Fellow by ordaining and appointing that such vacancies, until twenty Graduates have become qualified as Electors, shall be supplied by the remaining Fellows, and the Graduates (continuing on the books of the College) jointly.

XV No temporary vacancy or vacancies in the office of Rector or in the number of Fellows of the College shall be deemed in any way to affect the Constitution of the College, or its privileges or status as an Incorporated Body.

APPOINTMENT OF TEACHING AND RESEARCH FELLOWS

The Council shall have power by resolution to appoint a person as a teaching or research fellow of the College for such term and to perform such duties and to enjoy such privileges and emoluments as the Council may from time to time determine and direct provided that:

- (a) Any person so appointed shall not be entitled to vote at any meeting of the Council except at the invitation of the Council; and
- (b) Any person so appointed shall not be included in the number of fellows provided for in Section 3 and the term “fellow” wherever occurring in this Act or in a By-Law or rule made under this Act shall not in the absence of express provision include or refer to a person who is for the time being appointed as a teaching or research fellow.

By-Laws of St. John's College within the University of Sydney

MEMBERSHIP

1. The members of St John's College, in addition to the Rector, Vice-Rector, Dean, Fellows, Tutors and Students, shall consist of those who have been Tutors or Students thereof for at least three terms or two semesters or those who have held the office of Rector, Vice-Rector, Dean or Fellow for any period, together with such persons as the Council shall admit to Honorary Membership.

The Rector shall keep a roll of members of the College and it is the responsibility of each member to furnish the Rector with details as are necessary for the Rector to keep the roll of members.

2. The name of every Resident Tutor and Student admitted to the College shall be registered in a book provided for that purpose.

TERMS AND VACATIONS

3. The Collegiate Terms and Vacations shall be those of the University of Sydney. The Easter recess shall not be considered a vacation.
4. Students wishing to remain in the College during Vacation may do so with the consent of the Rector, and under such regulations as the Rector, or in his absence, the Vice-Rector, may establish.

RELIGIOUS EXERCISES

5. The College shall provide regular celebrations of the Mass, and other suitable religious exercises. Other College activities shall not coincide in time with religious activities.

RESIDENCE

6. Subject to these By-Laws, each student or pair of students to whom a room is allocated may occupy that room during term. The occupant or occupants of a room may not allow anyone else to occupy it, even though the occupant himself may not be using it.

The occupant(s) of a room shall be responsible for any damage, wilful or accidental, that occurs to the room and shall keep the room tidy.

The College accepts no responsibility for goods left in rooms or anywhere in College.

The Rector or Vice-Rector may demand that any object be removed from the College. In particular large electrical appliances such as refrigerators may not be kept without explicit permission from the Rector or Vice-Rector, which may be cancelled without notice.

MEALS

7. The College shall provide meals only at stated hours. No obligation is accepted to remit fees for those absent from the College for any reason. No visitor shall be admitted to the Dining Hall without the prior consent of the

Rector or Vice-Rector. Gowns shall be worn by resident members of the College at all formal meals and on other formal occasions.

ABSENCE

8. Students wishing to be absent from College overnight must inform the Rector or Vice-Rector where they may be found. The Rector or Vice-Rector may refuse permission for a student to leave or stay away from College on any occasion.

VISITORS TO THE COLLEGE

9. The conditions under which and the times at which visitors may be admitted to students' rooms and to other sections of the College shall be determined from time to time by the Council. The Rector shall have the power to dispense from such regulations in particular and special cases. In every instance the student who is host to a visitor shall be responsible for the visitor's conduct.

THE STUDENT SOCIETY

- 10A There shall be an organisation at the College known as the Student Club.
- 10B All residents of the House shall be members of the Student Club.
- 10C The constitution of the Student Club shall be as approved from time to time by the Rector and shall be a regulation made pursuant to the By-Laws of the College.
- 10D All residents of the House shall be entitled to vote at each election for members of the Committee of the Club and shall be entitled to vote at all general meetings of the Club.
- 10E All elections for the Committee of the Club shall be by secret ballot.
- 10F In co-operation with the Rector and subject to his direction, the Student Club has an important responsibility with respect to the organisation of House activities and College sport.

THE RECTOR AND VICE-RECTOR

11. In addition to the powers of the Council under the Act of Incorporation, the Rector shall have power to make regulations binding upon all members of the College who are resident therein and may enforce them when necessary by fines, rustication, by declaring a member's room vacant or by expulsion from the College. Such regulations may be amended from time to time. Such regulations and amendments thereof shall be placed before the Council as soon as it is practicable to do so and may be disallowed in whole or in part or varied by the Council, but unless and until there is any such disallowance the said regulations and any amendments thereof shall take effect from the date when they are made.
12. The Rector shall have power to give directions to individual members of the College resident therein and may enforce compliance with such directions when necessary by fines, rustication, by declaring a member's room vacant or by expulsion from the College.

13. In the absence of the Rector, the Vice-Rector shall have all the powers of the Rector.
14. Any person adversely affected by any decision or action of the Rector or Vice-Rector in the enforcement of the regulations or of the directions mentioned in By-Laws 11 and 12 may appeal in writing from that decision or action to the Council, which shall consider and determine the appeal.

The decision of the Council on the appeal shall thereafter be implemented by the Rector or Vice Rector as the case may be.

- 14A Between meetings of the Council, the Chairman of the Council shall be the sole spokesman of and shall stand in the place of the Council in its power of direction of the Rector and the Vice-Rector subject to a right of appeal by the Rector and Vice-Rector at its next meeting after exercise of such power of direction by the Chairman, which shall in each case, be reported to the Council.
- 15A Upon initial application, any place in College awarded to a student (subject however to By-Law 12) is valid only to the end of the Academic Year or part thereof for which the place is awarded.
- 15B Any subsequent award of a place in College is by way of invitation only and may be subject to conditions. Such invitation is extended to those students who have demonstrated a positive regard for the College ethos, its Act and its By-Laws and who have contributed accordingly to the common good of the College.
- 15C Invitations shall be extended by the Rector in writing as soon as practicable after the Rector has received each person's results in the final examinations.
- 15D The Rector's decision to award a place in College under this By-Law is final.

FEES

16. Fees shall consist of an Entrance Fee, Term Fees and Vacation Fees.
17. The Term Fees and the Vacation Fees shall cover the expenses of room, board, service and lectures.

The amounts of all College Fees shall be fixed by the Council, and may be revised by it from time to time.
18. Semester Fees, being strictly in advance, shall be paid before the commencement of the Semester or by such other date as may in the case of an individual be determined by the Rector before the commencement of the Semester. Should Fees remain unpaid at the due date for payment the occupant shall vacate the room.
19. When a room is declared vacant pursuant to By-Laws 11 or 12, the member of the College concerned shall be obliged to vacate the room at the end of the current Semester and shall be obliged, if the member wishes to return to the College, to apply for readmission.

SCHOLARSHIPS AND FUNDS

21. Subject to the consent of the Council persons desirous of founding

Scholarships or Funds within the College for any special purpose may do so on any conditions not repugnant to the objects for which the College was founded.

- 22.** Where the founder has not directed the special application of any such Scholarship or Fund the Council shall have the right to do so.
- 23.** Due notice shall be given concerning all such Scholarships or Funds, and information provided as to the conditions governing their awards.

COUNCIL MEETINGS

- 24.** The meetings of the Council shall be held at the College, or at another place in Sydney, at such times as shall be appointed for that purpose.
- 25.** The Rector may at any time without requisition convene a Special meeting of the Council.
- 26.** A Special Meeting of the Council shall be convened by the Rector upon the written requisition of any three Fellows.
- 27.** Of Ordinary Meetings every Fellow shall receive at least seven days' written notice, and of Special Meetings at least two days' written notice.

ELECTION OF COUNCIL OFFICERS

- 28A** At the first Council meeting held each calendar year the Council shall elect a Chairman, a Deputy Chairman, a Treasurer and a Secretary to hold office until the first Council Meeting of the following year.
- 28B** The Council may also elect a Fellow as the Senior Fellow who shall act as Chairman of Council meetings in the absence of the Chairman and Deputy Chairman and carry out such other duties and exercise such powers as the Council may from time to time determine.
- 28C** No person shall hold office as Chairman for more than five (5) consecutive years.

COMMITTEES OF THE COUNCIL

- 29A** The Council may from time to time delegate any of its powers, authorities and discretions (other than of delegation) to Committees consisting of such persons as the Council from time to time determine providing that at least fifty per centum (50%) of the members of a Committee other than ex officio members shall be Fellows. The Council may at any time revoke such delegation.
- 29B** The Standing Committees of the Council shall be:
 - (i)** The Executive Committee which shall comprise the Rector, the Chairman, the Deputy Chairman, the Secretary, the Treasurer and such additional Fellow or Fellows as the Council may from time to time appoint.
 - (ii)** The Finance Committee, the Scholarship Committee, the Library Committee and the Building & Works Committee; which Committees shall comprise such persons as the Council shall from time to time

determine.

- 29C** The Chairman, Deputy Chairman and the Rector (and in his absence, the Vice Rector) shall be *ex officio* members of the Standing Committees of the Council.
- 29D** The Council shall, at its meetings in each calendar year, appoint the members of the Standing Committees and those so appointed shall hold office until the first meeting of the Council in the year following that of the appointment.
- 29E** The Vice-Rector and the Dean (if the Vice-Rector is not the Dean) shall be entitled to attend Meetings of the Council and to participate in the proceedings but shall not be entitled to vote.
- 30.** All the proceedings of the Council shall be entered in a journal; and at the opening of each Meeting the Minutes of the previous Meeting shall be read, and (unless the then Meeting be an adjourned Meeting) confirmed.

In the case of Meetings adjourned the confirmation of the Minutes shall be deferred until the next Ordinary Meeting.

ABSENCE FROM COUNCIL MEETINGS

- 30B** The Council may appoint a person to act as an alternate Fellow in place of a Fellow to whom leave of absence has been granted. The appointment of an alternate Fellow under this paragraph may be made for the whole or any part of all or any period or periods during which the Fellow in whose place he was appointed is granted leave of absence. Any person while he so holds office as an alternate Fellow shall be entitled to notice of meetings of the Council and to attend and vote at any such meetings and to exercise any of the functions and perform any of the duties of a Fellow. Any appointment so made may be terminated by the Council at any time by a resolution without notice.

COUNCIL VACANCIES

- 31.** If any Fellow shall, without leave of the Council, be absent from three consecutive Ordinary Meetings thereof, his office of Fellow shall if the Council so decides become vacant; provided that, for the purpose of this By-Law every adjourned Meeting shall be reckoned as part of the original or principal Meeting, and not as distinct therefrom.

TERM OF OFFICE OF FELLOWS

- 32A** The term of each elected Fellow shall be six (6) years. The appointment will be effective from 1 July of the relevant election year and retirement will occur automatically on 30 June six years later unless they have retired before that date.
- 32B** Fellows appointed to fill casual vacancies shall retire at the next election following their appointment.
- 32C** Retiring Fellows shall be eligible to offer themselves for re-election whether their appointment was via election or to fill a casual vacancy

CASUAL VACANCIES

- 33. Any vacancy on the Council occurring otherwise than by the retirement of a Fellow pursuant to By-Law 32.D shall be filled by the remaining Fellows appointing a person to fill the vacancy as soon as conveniently may be after such vacancy occurs.

ELECTION OF FELLOWS

- 34 An elector is anyone who is or has been a Member of St John’s College as defined by By-Law 1.

The vacancies on Council arising from the retirement of Fellows pursuant to By-Laws 32 and 33 shall be filled by election in the manner following:

- (a) Before the 7th day of February in each year in which an election is to take place the Rector shall forward to each elector of the College a notice of the forthcoming election of Fellows to take the place of the retiring Fellows and containing the names of the Fellows to retire on the Retirement Date and inviting nominations for the election. The non-receipt of such notice for any reason by any elector shall not invalidate the election.
- (b) Nominations of candidates for each election of Fellows shall be received by the Rector or left at the College not later than 4 o’clock in the afternoon of the 28th day of February.
- (c) The nomination of a candidate for election must be signed by not less than five (5) electors and contain the consent of the person nominated and shall be in or to the effect of the following form:

We hereby nominate:

for election as a Fellow of St. John’s College

Dated theday of

Name	Address	Signature
.....
.....

I consent to the above nomination

.....
Signature

.....
Address

- (d) At the expiration of the time for receiving nominations the Rector shall cause to be prepared a list containing the names of all persons so nominated.

(e) If there are no greater number of eligible candidates to fill the vacancies for Fellows than vacancies to be filled, the Rector shall declare such candidates duly elected.

35. The election of Fellows from the candidates shall be by ballot of the members conducted in the following manner:

(a) The Rector shall at least eighteen (18) days before the Retirement Date forward by post a voting paper containing a statement of the number of vacancies to be filled at the election and the names of all duly nominated candidates in alphabetical order with two envelopes, one to be an outer envelope marked "ballot paper" and addressed to the Rector and the other to be an inner envelope incorporating on its outside a leaf of paper with provision for the voter to write his name and address and sign his name which shall be in or to the effect of the following form:

**Degree(s) and year(s)
of Graduation:**

.....

Name: *(in block letters)*

.....

Address:

.....

.....

Signature:

.....

The non-receipt for any reason by any elector of such voting paper shall not invalidate the ballot.

(b) The voter shall mark his voting paper by making a cross opposite the names of each of the candidates for whom he votes and shall place it in the inner envelope and seal the same. He shall also legibly write his name and address and sign his name on the leaf of paper on the outside of the inner envelope and place the inner envelope with the leaf of paper attached without any other matter in the outer envelope and then seal the same and post or deliver it or cause it to be delivered to the Rector. Each person voting shall vote for the full number of candidates required to be elected to fill the vacancies and neither more nor less.

(c) All formal voting papers received by the Rector not later than 5 o'clock in afternoon of the Monday preceding the Retirement Date shall be counted in the ballot.

(d) The result of the ballot shall be determined by the Rector assisted by two scrutineers appointed by the Council.

- (e) After the closing of the ballot the Rector and scrutineers, having satisfied themselves as to the authenticity of the aforesaid signatures of members, and as to their qualifications to vote, in such manner as they, in their absolute discretion, deem appropriate, shall proceed to the examination of the voting papers and shall report in writing the result of the ballot to the Chairman.
 - (f) The candidates (to the number required to fill the vacancies for Fellows) receiving the greatest number of votes shall be deemed elected.
- 36A** In the event of an equality of votes in favour of two or more candidates, the candidate who is senior in the Roll of Members shall be deemed elected.
- 36B** The Rector shall not be obliged to forward a notice under sub-paragraph 34.A nor a voting paper under sub-paragraph 35.A to an elector at an address from which a previous communication from the College has been returned unclaimed.
- 37.** An election shall not be invalidated automatically by reason of any failure to comply strictly with the provisions of By-Laws 31, 32, 33, 34 and 35. Where there has been any such failure, the Council may declare that the election has not been validly held and that there shall be a fresh election or it may declare that the election has been validly held notwithstanding such failure.

COUNCIL PROCEDURE

- 38.** The annual certificate required by section 38 of the University and University Colleges Act, 1900-1952 shall be under the hands of any two Fellows.
- 39.** The seal of the College shall be in the custody of the Rector, and shall not be affixed to any document except by order of the Council, and in the presence of at least two Fellows.
- 40.** There shall be five ordinary meetings of the Council in each calendar year.