



ST JOHN'S COLLEGE

within the University of Sydney

PROPOSED REFORMS TO THE COLLEGE'S GOVERNANCE

The 2012 amendment

In November 2012 the NSW Parliament amended the *St John's College Act 1857* to allow the Archbishop of Sydney, in the circumstances as they were at that time, to appoint a Council for the College, which the Archbishop did. This amending legislation was an emergency measure to address a crisis in the governance of the College, and envisaged that Parliament would in due course be asked to endorse a permanent solution.

The Amendment Act of 2012 was an important step towards putting in place lasting reforms to ensure that the welfare of students is paramount. It made possible the process which the Council then commenced in early 2013 of reviewing the governance arrangements for the College. The very nature of the emergency governance framework provided by Parliament in 2012 required that it be followed up with a long-term solution.

Proposed reforms

In April 2014 the College Council submitted a set of proposed amendments to the 1857 Act to the NSW Minister for Education to provide the permanent solution. The proposed amendments are referred to in this paper as the **Proposals**.

The Proposals represent necessary and desirable improvements in the governance of the College. They are intended to bring about a new framework which is appropriate for a tertiary education provider in the 21st century, acknowledging the character of St John's as a Catholic institution, and the College's own specific history.

The Proposals contain a procedure for selecting Fellows which recognises that there are various groups and individuals who are stakeholders in the College. They are also intended to produce a Council with an appropriately diverse range of skills and experience.

A process of consultation with interested parties was undertaken during the course of the review of the Act.

College community

The College's core mission is to support a select group of young people through the challenges of studying for a university degree and making important life decisions, within a Catholic environment and in a world of rapid change and uncertainties. The College Council is responsible for providing the circumstances which will enable all resident students to flourish within the St John's community.

In recent years the College has been enriched by the admission of female students, beginning in 2001, and women have made up half of the student body since soon after that date.

Past students over the decades have provided significant support to the College. They will remain as active participants at the Council level. However the role of alumni should not be to the exclusion of other stakeholders and at the cost of a strong College executive supported by a broadly inclusive Council which reflects a range of stakeholders.

A relatively small proportion of former residents entitled to vote have actually voted in elections. There were 313 formal votes received in the 2011 Council election. The number of voting papers issued is not now ascertainable, but the College currently has contact details for 2,798 alumni. The proportion of those voting would have been similar in previous elections.

The method of governance prescribed by the 1857 Act, while broadly similar to other University of Sydney colleges, is anomalous in both Australian and international contexts. Other than the University of Sydney colleges, there appear to be no like institutions which have their governing body elected (whether entirely or predominantly) by the ex-students of the institution.

Council structure

The Proposals would replace a Council of 18 Fellows all being elected by past students, with a new Council of 12 Fellows. Of these 12, four are to be elected by past students, three appointed by the Archbishop of Sydney, one appointed by the Vice-Chancellor, and four are to be appointed by the Council. The Rector remains a member of the Council, as before.

The Catholic character of St John's has a number of elements, including the presence of a Chaplain and celebration of weekly Mass. However, from a governance point of view the College is only entitled to describe itself as "Catholic" institution because it is permitted to do so by the Archbishop of the diocese in which it is located.

The Proposals retain the presence of Catholic priests on the Council, as has been the case since 1858. The proportion of clerical Fellows is slightly reduced, from 6 out of 18 to 3 out of 12. The previous arrangement of priests being elected by past students is altered in the Proposals to appointment by the Archbishop of Sydney, which is the normal practice for Catholic institutions. In the past a clerical Fellow always required the approval of the Archbishop to take up the role, so the change to appointment is a small one.

The College will benefit from a closer relationship with the University of Sydney than historically has been the case. The University has been supportive of the St John's governance review and endorses the Proposals, which provide for one Fellow to be appointed by the Vice-Chancellor.

Council responsibilities

The assertion has been made that the Proposals "hand control of the College to the Archbishop" which is not correct. Clerical Fellows, like all members of the Council, must act in the interests of the College rather than in the interests of those appointing or electing them, which has always been the case under the general law and will now be enacted explicitly in section 8C(a) of the Proposals.

The Proposals require that all appointed members of the Council be selected taking account of their expertise and experience relevant to the functions exercisable by the Council and an appreciation of the objects, functions, values and activities of the College (proposed section 7(5)).

The expertise relevant to Council's functions might include (amongst other things) education (particularly tertiary education), accounting and finance, building or engineering, law, planning, and communications or marketing.

One of the problems of the previous arrangements was that election of all the Fellows by former residents was unlikely to result in an appropriate mix of skills at the Council table.

The Proposals remedy this by providing for appointment of four Fellows by the Council itself, which will allow for deficiencies in the overall matrix of skill sets to be remedied. Practical considerations will focus recruitment of these Fellows from the pool of graduate alumni, in order to find candidates willing to devote time and effort to a voluntary position.

Other governance improvements

The Proposals give effect to accepted governance principles which are appropriate to a university residential college. The amendments clarify the relationship between the role of Rector as chief executive officer (under proposed section 5(2)) and the Council (with the functions set out in proposed section 3A).

Matters such as vacation of office of Council members (proposed section 7B), duties of Council members (proposed section 8C), and disclosure by fellows (proposed section 8D) are appropriately provided for. The quorum provisions are modernised (proposed section 13) and provision is made for circular resolutions and meetings to be held using technology (proposed section 14).

In conclusion

Determining sustainable governance requires experience, goodwill and sound judgement from all stakeholders. The Council believes the proposed amendments have been developed within these parameters and that the Proposals are essential to ensure the College's future prosperity.

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