

Saint John's College Act 1857

As at 26 November 2012

Long Title

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

Preamble

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 Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:

1A Name of Act

This Act is the *Saint John's College Act 1857*.

1 Saint John's College incorporated

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 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 or 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 other things incident or appertaining to a body politic and corporate.

2 Restraining disposal of lands derived from the Crown

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.

3 Rector and fellows to constitute a Council

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 Saint John's College" in which shall be vested at all times the government in every respect of the College and all matters relating thereto.

4 Visitor

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.

5 Rector and vice-rector

The rector shall always be a duly approved priest or a practising Roman Catholic lay person 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 College. The vice-rector may be the dean if the vice-rector is a duly approved priest.

6 Removal or suspension

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.

7 Vacancies

Except as provided by section 8B, 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 or post of fellow by the remaining fellows.

8 Election of fellows

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, except as provided by section 8B, 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.

8A Term of office

As from 1 January 1995, a person elected as a fellow shall, except as provided by section 8B, 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.

8B Extraordinary vacancies in offices of fellows

- (1) This section applies in either or both of the following circumstances:
 - (a) if there are vacancies in the office of all 6 clerical members of the Council,
 - (b) if there are vacancies in all but one of the offices of lay members of the Council.
- (2) In the circumstances to which this section applies, the visitor must, in consultation with the Vice-Chancellor:
 - (a) remove any remaining fellows, and
 - (b) appoint such persons as fellows as are necessary to enable the Council to be constituted in accordance with section 3.
- (3) A person removed under subsection (2) (a) may (but need not) be appointed as a fellow under subsection (2) (b).
- (4) A fellow appointed under this section holds office, unless sooner removed from office, for a period of up to 3 years specified in the fellow's instrument of appointment.
- (5) The visitor may, in consultation with the Vice-Chancellor, remove a fellow appointed under this section from office for any or no stated reason by revoking the appointment of the fellow by notice in writing given to the fellow.
- (6) The visitor may fill a vacancy (however arising) in the office of a fellow appointed under this section for the remainder of the term of office of the fellow vacating office.
- (7) The visitor, in consultation with the Vice-Chancellor, is to convene the first meeting of the Council after the requisite fellows are appointed under this section in such manner as the visitor thinks fit and is to nominate the fellow to preside at that meeting.
- (8) The fellows appointed under this section have and may exercise and perform all the functions, powers and duties of fellows supplied under section 8.
- (9) In this section: "**Vice-Chancellor**" means the Vice-Chancellor of the University of Sydney.

9 Saint John's College to be a College of and within the University

The College of Saint 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 the lectures of the University on those subjects and 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.

10 Power to make by-laws

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.

11 By-laws to be laid before Parliament

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.

12 Control over students

Provided also that the rector or 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.

13 Vote and quorum at meetings

The votes at 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 at any such meeting shall be taken and accepted as the votes and proceedings of the Council or fellows respectively.

14 Special power by by-laws

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 fellows 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.

15 Temporary vacancies not to prejudice the Corporation

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.

16 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 or to attend 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.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Saint John's College Act 1857 (21 Vic)*. Assented to 15.12.1857. This Act has been amended as follows:

1994	No 32	<i>Statute Law (Miscellaneous Provisions) Act 1994</i> . Assented to 2.6.1994. Date of commencement of the provisions of Sch 1 relating to the <i>Saint John's College Act (1857) (21 Vic)</i> , assent, Sch 1.
2012	No 102	<i>Saint John's College Amendment Act 2012</i> . Assented to 26.11.2012. Date of commencement, assent, sec 2.

Table of amendments

Sec 1A	Ins 2012 No 102, Sch 1 [1].
Sec 5	Am 1994 No 32, Sch 1.
Sec 7	Am 2012 No 102, Sch 1 [2].
Sec 8	Am 2012 No 102, Sch 1 [3].
Sec 8A	Ins 1994 No 32, Sch 1. Am 2012 No 102, Sch 1 [4].
Sec 8B	Ins 2012 No 102, Sch 1 [5].
Sec 16	Ins 1994 No 32, Sch 1.