



New South Wales

Saint John's College Bill 2017

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to constitute a corporation with the name “The Rector and Fellows of Saint John’s College” (referred to as the *College*) and to provide that the College is a continuation of the corporation constituted by the *Saint John’s College Act 1857*,
- (b) to establish a Council to govern and manage the College and to provide for the membership and procedures of the Council,
- (c) to provide for the appointment of a Rector of the College to conduct the day-to-day management of the affairs of the College,
- (d) to repeal the *Saint John’s College Act 1857* and the by-laws made under that Act.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Constitution and management of College

Clause 4 constitutes “The Rector and Fellows of Saint John’s College” as a corporation. It is a continuation of the existing corporation constituted by the *Saint John’s College Act 1857*, which is repealed by the proposed Act.

Clause 5 provides for a Council of the College (the **Council**) that consists of the following members:

- (a) the Rector,
- (b) 3 persons appointed by the Roman Catholic Archbishop of Sydney, each of whom must be a Roman Catholic priest or member of a Roman Catholic order,
- (c) 4 lay persons elected under proposed section 7,
- (d) 1 lay person appointed by the Vice-Chancellor of the University of Sydney,
- (e) 4 lay persons appointed by the Council.

Clause 6 provides that all decisions relating to the functions of the College are to be made by the Council. The functions of the Council include:

- (a) to develop and implement policies and strategic plans for the administration of the College, and
- (b) to develop and implement the College’s educational and pastoral philosophy, and
- (c) to manage the College’s financial resources, and
- (d) to oversee the performance of the College as a whole, and
- (e) to monitor the performance of the Rector and the Vice-Rector.

Clause 7 provides for the election of 4 lay persons to the Council. Only members and former members of the Council, persons who were members of the Council under the *Saint John’s College Act 1857* and graduates of the University of Sydney who have resided on the premises of the College are eligible to vote in the election.

Clause 8 sets out the duties of the Council members, which include a duty to act in the best interest of the College as a whole and a duty to act honestly, in good faith and for a proper purpose.

Part 3 College office holders

Clause 9 requires the Council to appoint a Rector of the College. The Rector must be a Roman Catholic priest, a member of a Roman Catholic order or a practising Roman Catholic lay person. The Rector is the chief executive officer of the College and has the following functions:

- (a) to conduct the day-to-day management of the affairs of the College,
- (b) to act as steward of the College on behalf of the Council,
- (c) to control and supervise the students residing on the premises of the College.

Clause 10 enables the Council to appoint a Vice-Rector of the College. The Vice-Rector acts in the office of Rector during the absence of the Rector and has other functions prescribed by the by-laws or determined by the Council.

Clause 11 provides that the Council may suspend or remove the Rector or the Vice-Rector from office for sufficient cause.

Clause 12 provides that the Visitor of the College is the Roman Catholic Archbishop of Sydney.

Clause 13 provides that, if the Rector is not a Roman Catholic priest or member of a Roman Catholic order, the Roman Catholic Archbishop of Sydney may appoint a person, nominated by the Council, as the Chaplain of the College.

Part 4 Miscellaneous

Clause 14 provides that current students of the University of Sydney are eligible to reside on the premises of the College. The by-laws may prescribe other eligible classes of persons.

Clause 15 requires the College to obtain the Minister for Education's written approval before dealing with Crown land transferred to it or otherwise under its control or management.

Clause 16 protects the members of the Council and persons acting under the direction of the College from personal liability.

Clause 17 enables the College to make by-laws, including in relation to the management of the affairs of the College, the control and supervision of students and the procedures for Council meetings.

Clause 18 repeals the *Saint John's College Act 1857* and any by-laws made under that Act.

Schedule 1 Members and procedure of Council

Schedule 1 contains provisions relating to the members and procedure of the Council.

Schedule 2 Savings, transitional and other provisions

Schedule 2 provides as follows:

- (a) for the purposes of enabling the Council to be established, the existing Council under the *Saint John's College Act 1857* is, as soon as practicable, to appoint 4 lay members to the Council and to arrange for the election of 4 lay members to the Council,
- (b) the current Rector and Vice-Rector of the College continue to hold those offices under the proposed Act.