

NEWINGTON COLLEGE COUNCIL (AMENDMENT)

An Act to amend the Newington College Council Act, 1922, in certain respects; and for purposes connected therewith. [Assented to, 12th November, 1949.] George VI.

WHEREAS by an Act intituled the Newington College Council Act, 1922, the council of Newington College referred to in the Preamble to the said Act was duly incorporated and provision was made for the constitution and election of the said council AND WHEREAS the said council was by the said Act invested with certain powers and authorities and amongst others with the power to lease mortgage and sell lands and hereditaments which should at any time be vested in the said council and to appoint and dismiss the headmaster of the said school AND WHEREAS it is expedient to alter the constitution and method of election of the said council AND WHEREAS it is further expedient that the said recited power of the said council to lease mortgage and sell the said lands and hereditaments shall not be exercised without the approval of the conference of the Methodist Church of Australasia in New South Wales AND WHEREAS it is further expedient to vary the said recited power of the said council in regard to the appointment and dismissal of the headmaster of the said school and to make such further provisions in that behalf as are hereinafter provided AND WHEREAS it is further expedient to make such other provisions as are hereinafter contained BE it therefore enacted by the King'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:— Preamble.

1. (1) This Act may be cited as the "Newington College Council (Amendment) Act, 1949." Short title and citation.

(2)

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(2) The Newington College Council Act, 1922, as amended by this Act, may be cited as the Newington College Council Act, 1922-1949.

Amendment
of Newington
College
Council
Act, 1922.
Sec. 1.
(Power to
hold real
and personal
estate, etc.)
New sec. 1A.

2. The Newington College Council Act, 1922, is amended—

(a) by inserting in section one immediately before the words “may grant” the words “subject to this Act”;

(b) by inserting next after section one the following new section:—

1A. The lands and hereditaments at any time vested in the said council shall not, nor shall any part thereof, be sold, mortgaged, charged, leased or otherwise disposed of except with the approval first had and obtained of the conference of the Methodist Church of Australasia in New South Wales or of the Committee of Management of the Property Department of the said conference.

(c) by inserting in section seven after the words “subject to” where firstly occurring, the words “this Act and to”;

(d) by omitting section nine and by inserting in lieu thereof the following section:—

9. (1) Subject to the provisions of subsection four of this section the council shall consist of twenty-four councillors who shall be elected by the New South Wales Conference of the Methodist Church of Australasia as in this section provided.

(2) At the first annual conference of the Methodist Church of Australasia in New South Wales to be held after the commencement of the Newington College Council (Amendment) Act, 1949, twenty-four councillors shall be elected as follows:—

(a) Nine councillors, being ordained ministers of the Methodist Church of Australasia

Approval of
conference
or committee
of management
to sell mortgage,
etc.

Sec. 7.
(Construction
of wills, etc.,
affecting
the College.)
Substituted
sec. 9.
(Constitution
and election
of council.)

Australasia in New South Wales, shall be elected by the said first annual conference three of whom shall hold office for three years, three for two years and three for one year;

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- (b) fifteen councillors, not being ordained ministers of the said Church, shall be elected, five of whom shall hold office for three years, five for two years and five for one year; and in the case of each group of five councillors so elected two shall be representatives of the old boys of Newington College, that is to say, they shall be persons who have been educated at Newington College and have been nominated by the council for the time being of the union of old boys of the school known as the "Old Newingtonians Union."

(3) At each succeeding annual conference of the said Church eight councillors shall be elected and they shall hold office for a period of three years and three of such councillors so elected shall be ministers of the said Church and the remaining five of such councillors so elected shall not be ordained ministers of the said Church but in the case of such five councillors two of them shall be representatives of the old boys of Newington College as defined in paragraph (b) of subsection two of this section.

(4) If the President for the time being of the New South Wales Conference of the Methodist Church of Australasia shall not be a councillor at the time of the conference at which he shall take office as President and if he is not at that conference elected as councillor pursuant to this Act then during the period for which he holds office as President he shall be an ex officio councillor and during that period the council shall consist of twenty-five councillors.

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(5) If at any annual election of councillors the representatives of the old boys of Newington College as defined in paragraph (b) of subsection two of this section shall not be duly nominated by the council of the Old Newingtonians Union or if by a resolution referred to in subsection six of this section the said conference decides that any nominee of the Old Newingtonians Union is for personal reasons unsuitable for election then any vacancy or vacancies shall be filled by the said conference, but the persons elected shall not be ordained ministers of the said Church.

(6) The said conference shall not be bound to elect any particular nominee of the Old Newingtonians Union if by resolution the said conference shall decide that such nominee is for personal reasons unsuitable for election.

(7) The councillors of the said college holding office at the commencement of the Newington College Council (Amendment) Act, 1949, shall subject to this Act continue to hold office until councillors shall be elected pursuant to this Act.

Sec. 11.
(Filling vacancies in council.)

(e) by inserting in section eleven after the words "incorporated body" the words "Any person so elected to fill any such vacancy shall be entitled to retain office for the remainder of the period for which his predecessor was elected";

Sec. 14.
(Powers of council.)

(f) (i) by omitting from section fourteen the words "and to appoint and dismiss the headmaster of the said school";

(ii) by omitting from the same section all words following the words "in their place";

New Sec. 14A.

(g) by inserting next after section fourteen the following new section:—

Appoint-ment and removal of headmaster.

14A. (1) In the event of the office of headmaster of the said college becoming or about to become vacant the following provisions shall apply:—

(a) The council shall within a reasonable time invite applications for the position from

from persons in the Commonwealth of Australia and in such other countries as the council may determine. George VI.

- (b) Such applications may in the discretion of the council be invited by advertisement in the press and suitable journals and by such other methods as the council shall determine and every attempt shall be made by the council to notify the vacancy to each ordained minister of the New South Wales Conference of the Methodist Church of Australasia but any subsequent appointment of a headmaster shall not be rendered invalid by reason only that any such ordained minister was not notified of such vacancy.
- (c) Upon receipt of applications the council shall consider the same and if it is of the opinion that one or more of the applicants, not being an ordained minister, is or are better qualified for appointment as headmaster than the applicants who are ordained ministers the council shall report its opinion to the next succeeding conference of the said Church. In case such conference shall be desirous of appointing an ordained minister as headmaster the council shall indicate in writing to such conference its order of preference of the ordained ministers who shall have applied: Provided that the Council shall not express an order of preference in respect of more than three of such ordained ministers.
- (d) If one or more of the applicants shall be an ordained minister such next succeeding conference may by resolution appoint as headmaster of the said college any one of them whose name shall appear on the order of preference submitted

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submitted to such conference by the council under paragraph (c) of this subsection.

- (e) If none of the applicants shall be an ordained minister or if such conference shall resolve not to appoint an ordained minister the council may appoint as headmaster any one of the applicants who is not an ordained minister.
- (f) No clergyman shall be appointed headmaster of the said college unless he shall be a duly ordained minister of the New South Wales Conference of the Methodist Church of Australasia holding and prepared to subscribe when called on so to do to the doctrines of the said Church and being subject to its laws and discipline: Provided that any duly ordained minister in connection with the respective conferences of the said Church in any of the States of the Commonwealth of Australia or the Dominion of New Zealand, or the respective conferences of the Wesleyan Methodist or any other Methodist Church in any other part of the world, shall be eligible and may be appointed headmaster of the said college: Provided further that any such minister who is so appointed shall, as soon as possible after his appointment, become a member of the New South Wales Conference: Provided also that any clergyman so appointed shall be liable to removal or suspension from his office as such headmaster if at any time he shall cease to be a member of the said conference or if in the case of a clergyman so appointed as aforesaid who is not at the time a member of the New South Wales Conference of the said Church he shall fail as soon as possible

possible after his appointment to George VI.
become a member of such conference.

(2) A headmaster appointed under this section may be removed or suspended from his office as such headmaster—

- (a) if he is a minister of the said conference or of the Methodist Church in any part of the world, by the said conference; or
 - (b) if he is not a minister referred to in paragraph (a) of this subsection by the said council;
- (h) (i) by inserting in section fifteen after the word “absence” the words “the chairman of the executive committee of the council shall preside; in the absence of the president and the chairman of the executive committee”;
- Sec. 15.
(Chairman
of Council's
meetings.)
- (ii) by omitting from the same section the words “president or chairman” and by inserting in lieu thereof the words “person presiding”;
- (i) by inserting next after section seventeen the following new section:—
- New sec.
17A.
- 17A. A certificate signed by the president of the conference for the time being shall be conclusive evidence as to—
- Evidence.
- (i) the regulations for the time being in force under this Act;
 - (ii) any consent, approval or direction given under this Act or the regulations for the time being in force;
 - (iii) the identity of the persons elected from time to time to the said council.

3. All regulations made under the Newington College Council Act, 1922, and in force at the commencement of this Act, shall continue in force, and may be amended or revoked by regulations made under the Newington College Council Act, 1922, as amended by this Act.