

# Wesley College Incorporation Act 1910 (Private Act)

[1910-wci]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Statute Law \(Miscellaneous Provisions\) Act 2008 No 62](#) (not commenced)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Wesley College Incorporation Act 1910 (Private Act)



New South Wales

An Act to incorporate Wesley College as a college within the University of Sydney; to empower the University to grant certain lands to trustees for the purposes of such college; and to repeal the Act twenty-third Victoria, intituled "An Act to incorporate Wesley College as a College within the University of Sydney".

## 1 Name of Act

This Act may be cited as the *Wesley College Incorporation Act 1910*.

## 2 Definitions

In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

**clerical councillor** means a councillor who is an ordained minister of the church.

**corporation** means the body corporate constituted by this Act.

**lay member** means a person of or above the age of 18 years (not being a minister connected with the Synod of the church) who is a member of the church in New South Wales.

**Moderator** means the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales, and includes any person for the time being authorised by the Synod to perform or carry out the functions or duties of Moderator.

**non-church member** means a person who is not a member of the church but who is a member of the teaching or administrative staff of the University of Sydney or a former student of the college.

**non-clerical councillor** means a councillor who is a lay member or a non-church member.

**student councillor** means a councillor who is a student within, and on the books of, the college.

**Synod** means the Synod of The Uniting Church in Australia in New South Wales.

**the church** means the Uniting Church in Australia.

### **3 Constitution of corporation**

- (1) There is constituted by this Act a body corporate with the corporate name of the Principal and Councillors of Wesley College.
- (2) The corporation is to consist of 26 councillors, of whom:
  - (a) 1 is to be the Principal, and
  - (b) 7 are to be clerical councillors, and
  - (c) 16 are to be non-clerical councillors, and
  - (d) 2 are to be student councillors.

### **4 Restraining disposal of lands derived from the Crown**

Provided always that it shall not be lawful for the corporation, or any person or persons seised 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 the purposes of the college by His Majesty or his successors without the consent in writing of the Governor, with the advice of the Executive Council for the time being.

### **5 Principal**

The Principal shall always be a duly ordained minister of the church in connection with the Synod, holding and prepared to subscribe (when called on so to do), the doctrines of the church, and being subject to its laws and discipline, and shall from time to time, as occasion requires, be chosen and appointed by the council: Provided that any duly ordained minister in good standing with the respective Synods of the church in any of the States or Territories of Australia or in good standing with the respective conferences of the Methodist, Wesleyan Methodist or any other Methodist Church in any other part of the world or the Assembly of the Presbyterian Church in any other part of the world or a minister of the Congregational Church in any other part of the world or a minister of any church formed by a union involving any of these churches shall be eligible and may be appointed to the office of Principal and any such minister who is so appointed shall, as soon as possible after being appointed, become a member of the Synod. The council may from time to time determine the terms and conditions upon which the Principal shall hold office.

### **6 Presiding councillor**

- (1) Of the councillors, one is to be elected at a meeting of the council to preside at

meetings of the council for a period of 1 year.

- (2) If the presiding councillor is absent from a meeting of the council, another councillor from those present at the meeting is to be elected to preside at the meeting.

## **7 Election and appointment of councillors**

- (1) The 25 councillors other than the Principal are to be elected or appointed as follows:
  - (a) the 7 clerical councillors are to be elected by the Synod,
  - (b) the 16 non-clerical councillors are to be elected by such graduates of the University of Sydney as continue to be on the books of the college,
  - (c) the 2 student councillors are to be appointed by the council following an election by the students within, and on the books of, the college (being an election conducted in such manner as the students determine for the purposes of nominating 2 students to be appointed as student councillors).
- (2) The council may appoint the 2 students so nominated only if the council is satisfied that a majority of the students within, and on the books of, the college have elected the 2 nominees.
- (3) Of the 16 non-clerical councillors, no more than 6 may be non-church members at any one time.

## **8 (Repealed)**

## **9 Constitution of council**

The Principal, and the councillors for the time being shall form a council to be called the Council of Wesley College, in which shall be vested at all times the government in every respect of the college, and all matters relating thereto. No temporary vacancy or vacancies in the office of Principal, or in the number of councillors 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. At any meeting of such council 10 members shall form a quorum.

## **10 Tenure of office of clerical councillors**

The clerical councillors shall hold office until the Synod next ensuing after their election, but shall be eligible for re-election.

## **11 Tenure of office of non-clerical councillors**

A non-clerical councillor holds office for 4 years from the date on which the councillor is elected as a member of the council but is eligible for re-election.

### **11A Tenure of office of student councillors**

- (1) A student councillor holds office for 1 year from the date on which the student is

appointed as a member of the council but is eligible for re-appointment.

- (2) A student councillor ceases to hold office if the student ceases to be a student within, or on the books of, the college.

## **12 Casual vacancies**

If a vacancy occurs in the office of councillor, the remaining councillors may, at a duly constituted meeting of the council, elect, or in the case of a student councillor, appoint in such manner as they shall think fit a duly qualified minister, lay member, non-church member or student, as the case may require, to fill the vacancy; but any person so elected or appointed retains office so long only as the councillor whose seat has become vacant would have retained the same if no vacancy had occurred.

## **12A (Repealed)**

## **13 Visitor**

The Moderator shall be the visitor of the college, and shall have the right to visit the college at any time to examine into the manner in which it is conducted, and to see that its laws and regulations are duly observed and executed.

## **14 Removal or suspension of Principal**

The Principal shall be liable to removal or suspension from office as such Principal for a sufficient cause by the council: Provided that, if the ground of complaint shall be any breach of the discipline and laws of the church, or shall concern the theological or religious doctrines or teaching of the Principal the councillors shall not adjudicate thereon, but shall remit the same for trial to the courts of the church constituted by and under the laws thereof for dealing with such questions affecting its ministers, and the decision of the Synod sitting as one of such courts or such other court of the church having jurisdiction in that regard by virtue of the Constitution of the church and the regulations of the church shall be final.

## **15 Appointment and removal of professors and tutors**

All professors and tutors in the college shall be chosen and appointed, and shall be liable to removal or suspension, by the council.

## **16 By-laws**

- (1) 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 as to the council shall seem expedient, and such laws and rules from time to time to alter and revoke or to substitute others in their places.
- (2) Any such by-law or rule is, within 30 days after being made by the council, to be sent to the Moderator to be laid before the next Synod.

**17 Control over students**

The Principal of the college, subject only to this Act and the by-laws and rules so made, shall have the general superintendence and control of the students and of the institution.

**18 (Repealed)**

**19 Wesley College to be a college of and within the University**

Wesley College, hereby incorporated, shall be a college of and within the University of Sydney, and all students within the college shall, immediately upon entering therein, matriculate in the University, and shall thereafter 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 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, but students, after taking their degrees at the University, may continue in the college for a period not exceeding four years for the purpose of prosecuting such branches of learning as may not be taught in the University.

**20 (Repealed)**