

Women's College Act 1902 No 71

[1902-71]



New South Wales

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Provisions in force

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Women's College Act 1902 No 71



New South Wales

An Act to consolidate the enactments relating to the establishment and endowment of the College for Women within the University of Sydney.

1 Name of Act

This Act may be cited as the *Women's College Act 1902*.

2 Repeal

(1) The Act fifty-third Victoria number ten is hereby repealed.

(2), (3) (Repealed)

3 Definitions

In this Act, unless the context or subject-matter otherwise indicates or requires:

by-laws means by-laws under this Act.

College means the Women's College within the University of Sydney.

Council means the Council of the Women's College.

councillor means a councillor referred to in section 5.

elective councillor means a councillor elected under section 6 or appointed under section 7.

Treasurer means the person appointed as Treasurer of the Council under section 5A.

University means the University of Sydney.

4 The Council of the Women's College

(1) The Council of the Women's College shall continue and be a body corporate under that name and shall have perpetual succession and a common seal, and by that name may sue and be sued, and take and hold to it and its successors by grant, will, or otherwise in perpetuity, or for any term of life or years, any real or personal property, and may alien or otherwise dispose of or demise the same or any part thereof other

than land granted to it as a site for buildings and recreation grounds for the College, and may do all other things incident or appertaining to a body corporate.

- (2) There shall be vested in the Council the government in all respects of the College and all matters relating thereto.
- (3) Without prejudice to the generality of subsection (2), the Council may, and shall be deemed always to have been able to, fix fees or other charges for residential accommodation or any other amenity or service provided by the Council under this Act.
- (4) (Repealed)

5 Constitution of Council

- (1) The Council is to consist of:
 - (a) ten elective councillors, and
 - (b) the following four ex-officio councillors:
 - (i) the Principal of the College,
 - (ii) the Senior Student of the College,
 - (iii) the President of the union (known as the Women's College Union) of members and friends of the College,
 - (iv) the person nominated by the Senate of the University under section 8 (1), and
 - (c) the Treasurer (if not otherwise a councillor).
- (2) If the Treasurer is not otherwise a councillor, he or she ceases to be a councillor on ceasing to be Treasurer.

5A Treasurer of Council

- (1) The Council may appoint a councillor as Treasurer of the Council.
- (2) If the Council is not able to appoint a councillor, the Council is to appoint any other person whom the Council considers suitable as Treasurer of the Council.
- (3) A person is not to be appointed under this section unless the person consents to the appointment.
- (4) The Treasurer may be appointed for such term (not exceeding one year) as the Council determines, and may be reappointed from time to time.
- (5) The Treasurer may, by notice in writing to the Council, resign from the position of Treasurer at any time.

(6) The Treasurer may, subject to the by-laws, be removed from the office of Treasurer by the Council at any time.

(7) A casual vacancy in the office of the Treasurer is to be filled in accordance with this section.

6 Elective councillors

(1) Elections for elective councillors shall be held in November of each alternate year.

(2) Elective councillors shall hold office for four years from the first day of January next after their election, and shall be eligible for re-election.

(3) Only persons who are members of the class of persons prescribed by the by-laws for the purposes of this subsection are qualified to vote at an election of elective councillors.

(4) Elections for elective councillors shall be conducted in such manner as the Council may by by-laws prescribe.

(5) A by-law made for the purposes of subsection (3) may prescribe a class of persons by reference to a roll or other instrument in writing that is required by the by-laws to be kept by a prescribed person.

7 Casual vacancies

(1) A casual vacancy in the office of an elective councillor arising from death, resignation, or other cause specified in the by-laws of the Council shall be filled by the appointment by the remaining councillors of some person for the residue of the term of the councillor in whose office the vacancy arises.

(2) An appointment required to be made under subsection (1) shall be made within 4 months of the occurrence of the casual vacancy in respect of which it is required to be made.

8 Ex-officio councillors

(1) The Senate of the University shall from time to time nominate one member of such Senate to be a councillor of the College for a period of time specified by the Senate.

(2) The Senate may revoke a nomination made under subsection (1).

(3) The person nominated under subsection (1) shall be an ex-officio councillor from the commencement of the period of time for which that person has been nominated to be a councillor until:

(a) that person ceases to be a member of the Senate,

(b) the nomination of that person is revoked by the Senate, or

- (c) the expiration of the period of time for which that person has been nominated, whichever first occurs.

8A (Repealed)

9 Quorum

Seven councillors shall constitute a quorum of the Council, subject to such conditions as to the due convening of meetings as the Council may determine on.

10 Visitor

The Chancellor of the University, or, in the Chancellor's absence, the Deputy Chancellor, shall be the Visitor of the College, and shall have the right to visit the College at any time, and with or without some other member of the University Senate, to examine the manner in which it is conducted, and to see that the by-laws and resolutions of the Council are duly observed and executed, and shall possess all other such powers as by law appertain to the office of Visitor to a College.

11 Purposes of Council

(1) The main purposes of the Council are:

- (a) to provide, maintain and develop the College as a residence for such female students of the University as the Council may approve and for related purposes, and
- (b) to provide such assistance in the educational development of the residents of the College who are students of the University as the Council may decide.

(2) To the extent that its exercise of the following powers does not hinder or prevent the Council from carrying out its main purposes, the Council may, on such conditions as it thinks fit:

- (a) provide the College as a residence for male students of the University,
- (b) provide the College as a residence for persons other than students of the University, and
- (c) approve of the use of the College or any part thereof in connection with activities other than those related to the furtherance of its main purposes.

11A Protection from liability

Anything done or omitted to be done by the Council, a councillor, or any person acting under the direction of the Council does not, if it was done or omitted to be done in good faith for the purpose of executing this Act, subject a councillor or person so acting personally to any action, liability, claim or demand.

12 Political or religious discrimination prohibited

No political or religious test shall be administered to any person to entitle that person to be admitted as or continue as a resident of the College, to hold any office related to the person's being a resident of the College or to enjoy any benefit, advantage or privilege related to the College.

13-15 (Repealed)

16 By-laws

- (1) The Council may make by-laws for carrying the provisions and objects of this Act into effect.
- (1A) Without limiting subsection (1), the Council may make by-laws with respect to any one or more of the following:
 - (a) the Principal of the College,
 - (b) the Vice-Principal of the College,
 - (c) the Senior Student of the College,
 - (d) the union of members and friends of the College.
- (2) A by-law must be made under seal.
- (2A) A by-law must be sent to the Governor within 30 days of being made, for the purpose of being laid before both Houses of Parliament.
- (3) A by-law may confer on the Council or the Principal of the College power to give residents of the College, in such manner as may be prescribed, instructions, orders or directions.

17 Savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 17)

Part 1 Preliminary

1 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, containing provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Women's College Amendment Act 1997

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later day.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Provisions consequent on enactment of [Women's College Amendment Act 1997](#)

2 Definition

In this Part:

amending Act means the [Women's College Amendment Act 1997](#).

3 Continuity of Council

The Council is the same entity as, and a continuation of, the Council constituted under section 5 before the commencement of Schedule 1 [2] to the amending Act.

4 Councillors taken to be appointed under amending Act

- (1) A person (other than the Vice-Principal of the College) who was a councillor immediately before the commencement of Schedule 1 [2] to the amending Act continues as such and is taken to be a councillor referred to in section 5 as inserted by Schedule 1 [2].
- (2) If the person is:
 - (a) an elective councillor elected under section 6, or
 - (b) an ex-officio councillor nominated under section 8 by the Senate of the University before the amendment made to that section by Schedule 1 [3] to the amending Act, or
 - (c) the councillor appointed under section 8A by the Principal of the College before the repeal of that section by Schedule 1 [5] to the amending Act,the person is to hold office, subject to the relevant section, for the balance of the person's term in accordance with that section.

5 Construction of reference to number of elective councillors

- (1) Subject to this clause, section 5, as inserted by Schedule 1 [2] to the amending Act, is to be construed as if the reference to ten elective councillors were:
- (a) a reference to twelve elective councillors, until the first election for elective councillors after the commencement of the inserted section, and
 - (b) from that election, and until the second election for elective councillors after the commencement of the inserted section, a reference to eleven elective councillors.
- (2) However, section 7 (Casual vacancies) does not apply in relation to either the first or the second casual vacancy (if any) in the office of an elective councillor that arises before the second election referred to in subclause (1).

6 Construction of reference to councillor nominated by Senate of University

So long as both of the members of the Senate of the University nominated under section 8 by the Senate who held office as councillors immediately before the amendment made to that section by Schedule 1 [3] to the amending Act continue to hold office as councillors:

- (a) a reference in section 5 (1) (b) (iv) (as inserted by the amending Act) to the person nominated by the Senate of the University is to be construed as a reference to the persons nominated by the Senate, and
- (b) section 8 is to be construed as if it had not been amended by the amending Act.