

# 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.

### Authorisation

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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:

**by-laws** means the by-laws made by the council under section 16 and in force for the time being.

**college** means Wesley College, University of Sydney.

**corporation** means the body corporate constituted by section 3.

**council** means the Council of Wesley College constituted by section 9.

**councillor** means a member of the corporation.

**Moderator** means the Moderator for the time being of the Synod, and includes any person for the time being authorised by the Synod to perform or carry out the functions or duties of Moderator.

**Principal** means the Principal of the college appointed under section 5.

**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 consists of:
  - (a) the Principal, and
  - (b) 12 other councillors.
- (3) The councillors (other than the Principal) are to be elected or appointed in accordance with the by-laws.
- (4) The councillors (other than the Principal) hold office for the term provided by the by-laws.
- (5) The procedure at meetings of the corporation is to be as provided by the by-laws.

#### **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 of the college**

- (1) The Principal of the college is to be appointed by the council in accordance with the by-laws.
- (2) The Principal must accept the Basis of Union set out in Schedule 2 to the [Uniting Church in Australia Act 1977](#) and agree to uphold the values and ethos of the church.
- (3) The council may from time to time determine the terms and conditions on which the Principal holds office.
- (4) If the person holding office as Principal is not an ordained minister of the church, the council must use its best endeavours to appoint an ordained minister of the church as Chaplain to the college.

#### **6-8 (Repealed)**

#### **9 Constitution of council**

- (1) 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.

- (2) The number of members at a council meeting that constitute a quorum is to be as provided by the by-laws.

#### **10-12A**

#### **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 Principal is a minister of the church and 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 Savings and transitional provisions**

- (1) Until the first election or appointment of all councillors under the by-laws after the commencement of this section, the corporation comprises those persons who constituted the corporation immediately before the commencement of this section.
- (2) The person who held office as Principal immediately before the commencement of this section is taken to have been appointed as Principal in accordance with this Act as amended by the [Statute Law \(Miscellaneous Provisions\) Act 2008](#), and is taken to have been appointed subject to the same terms and conditions as those on which the person was appointed, and for the remainder of the person's term of office as Principal.