



Saint Andrew's College Bill 1998

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 the Council of Saint Andrew's College as a corporation and specify its functions,
 - (b) to specify the main objects of the College and provide for certain matters concerning its administration,
 - (c) to specify the office holders of the Council and their functions,
 - (d) to enact savings and transitional provisions (including provisions that provide for the transfer of assets, rights and liabilities of the former Council to the newly constituted Council),
 - (e) to repeal the *Saint Andrew's College Incorporation Act 1867* (which constitutes the present governing body of the College).
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Outline of provisions

Part 1 Preliminary

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

Clause 2 provides that the proposed Act will commence on a day or days to be proclaimed.

Clause 3 defines certain words and expressions used in the proposed Act. These include the term *approved church* which is defined as the Presbyterian Church of Australia, the Anglican Church of Australia and any Protestant church that is part of the World Alliance of Reformed Churches.

Clause 4 sets out the main objects of Saint Andrew's College. These include providing students of the University of Sydney with residential accommodation, educational and academic assistance and the opportunity to receive religious instruction in line with the principles of any approved church.

Part 2 Council of Saint Andrew's College

Clause 5 constitutes the Council of Saint Andrew's College as a corporation.

Clause 6 provides for the membership of the Council. The Council will consist of 13 members (being 12 elected members and the Principal), each of whom must be a member of an approved church. Provision is also made for certain matters concerning Council procedure.

Clause 7 specifies the functions of the Council. These include controlling and directing the affairs of the College, employing staff, determining fees and charges payable by College residents in connection with the College, determining the basis on which a person is considered to be a member of an approved church for the purposes of the proposed Act and determining the educational and academic assistance to be provided by the College. The Council may also suspend or remove any member of staff from office, or any resident from residency, for such reasons as it thinks fit.

Clause 8 empowers the Council to accept gifts, bequests and devises.

Clause 9 requires the Council to obtain the Minister's written approval before dealing with Crown land transferred to it or otherwise under its control or management.

Clause 10 allows the Council to delegate its functions to certain persons and bodies.

Part 3 College office holders

Clause 11 provides for the office of Principal of the College. The Principal is responsible for the day to day administration of the College, including the general supervision and control of student residents.

Clause 12 provides for the Council to appoint a College Chaplain if the Principal is not an ordained minister of an approved church.

Clause 13 provides for the office of Vice-Principal.

Clause 14 provides for the Chancellor of the University of Sydney to be Visitor of the College. The Visitor's functions are limited to monitoring and reporting on the conduct of the College and performing ceremonial functions.

Part 4 Administrative provisions

Clause 15 provides that any student of the University of Sydney is eligible for residency at the College, as is any other person within a class prescribed by the by-laws.

Clause 16 protects any member of the Council, and other persons acting under the direction of the Council, from personal liability for acts done in good faith for the purpose of executing the proposed Act or by-laws. The proposed section also provides that the Council may indemnify a member of the Council for costs, expenses or liabilities.

Clause 17 enables the Council to make by-laws relating to student and staff membership, residency, College associations, student facilities and instruction, scholarships and bursaries, appointment of staff, election and tenure of members, functions of the Council, procedure and conduct of Council meetings, functions of the Secretary of the Council and such other matters it determines are relevant to the proper conduct of the College.

Part 5 Miscellaneous provisions

Clause 18 repeals the *Saint Andrew's College Incorporation Act 1867* under which the present body governing the College (known as the Principal and Councillors of Saint Andrew's College) is incorporated.

Clause 19 makes minor consequential amendments to the *Uniting Church in Australia Act 1977*.

Clause 20 is a formal provision giving effect to Schedule 1.

Schedule 1 Savings and transitional provisions

Schedule 1 provides for the dissolution of the body presently governing the College and for the transfer of assets, rights and liabilities of that body to the Council constituted under the proposed Act. The Schedule also provides for savings and transitional provisions concerning the continuation of office of existing Councillors and the continuation of existing by-laws.