

SAINT JOHN'S COLLEGE AMENDMENT BILL 2012

21 November 2012

PROOF

Page: 1

Bill introduced on motion by Mr Barry O'Farrell, read a first time and printed.

Second Reading

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney)

[10.05 a.m.]: I move:

That this bill be now read a second time.

I think all members and the public are well aware of recent problems facing the community of Saint John's College within the University of Sydney. I do not intend to rehash that, other than to say that as a result of those activities and the reputational impact upon one of the State's fine universities, the Vice-Chancellor of the University of Sydney and the Catholic Archbishop of Sydney came together to seek to address issues flowing from those incidents. This bill is an immediate response to one of those issues. Following that outbreak of issues surrounding Saint John's College, a large number of the fellows of the governing council of the college resigned so that a quorum of the council's governing body no longer exists. The lack of a quorum means that the governance of the college is effectively in limbo.

The Saint John's College Amendment Bill being introduced today has been prepared following a request for assistance from the Vice-Chancellor of the University of Sydney and the Catholic Archbishop of Sydney. The bill deals with the immediate problems facing Saint John's College by providing for an alternative process for the appointment of fellows to the council in these unusual circumstances so that governance can be restored and administration of the college can continue. I make the point that this legislation does not seek to address the wider issues that have been the subject of much coverage, particularly in the media, about the activities of residents and others associated with Saint John's College. A longer-term general review of the relationship between the University of Sydney and its colleges is being undertaken by the vice-chancellor.

This second review of legislation governing independent but clearly associated residential colleges of the University of Sydney is being initiated by the vice-chancellor in consultation with the heads of those colleges. The combination of the results of that review and, hopefully, this legislation will seek not only to address the issues that have arisen at Saint John's College but also avoid them arising at other colleges. Like other residential colleges within the University of Sydney that were established in the mid nineteenth century, Saint John's College was created by a private Act of the New South Wales Parliament in 1857.

It is said—and I have not checked this—that the grant of land by the Crown for the establishment of Saint John's College, a Catholic college, was the first grant of land by the Crown to a Catholic institution since the time of the Reformation. The Saint John's College Act 1857 established the college's governing council as a corporate entity and contains a

basic governance framework. The Act provides for the college to be governed by a council consisting of 18 fellows, of which six are to be priests and 12 are to be laymen, and a rector appointed by the fellows. The Act also provides that the Catholic Archbishop of Sydney is the Visitor of the college. As the Visitor, the archbishop has limited oversight functions but is not authorised to appoint members of the council when unexpected mass vacancies arise.

Section 13 of the Act provides that the council must have at least one clerical and two lay members for a quorum to exist. To deal with the need to restore and maintain a quorum on the council, in order to restore proper governance to the council, the bill provides that where there are no clerical fellows and/or no more than one lay fellow, then all fellow positions become vacant. The bill provides that in those circumstances the archbishop is to appoint 18 new clerical and lay fellows of the council for a term of up to three years. The archbishop's appointments must be undertaken in consultation with the Vice-Chancellor of the University of Sydney. This consultative approach will ensure that the broader interests of the university community are considered under the new arrangements. Where there is a vacancy in the office of a fellow appointed by the archbishop, then the archbishop may also appoint another fellow for the remainder of the term of the fellow vacating the office.

The university and the archbishop have asked the Government to urgently address the issue of the appointment of fellows to the council of Saint John's College. The Government has done that. Amendments were received from both parties last Sunday and they were considered by Cabinet the following Monday. The bill has been drafted and there have been preliminary discussions with the Opposition—for which I am grateful—but what is clear is that the bill must pass through Parliament this week so that governance can be restored and next year Saint John's College has a governing council. In conjunction with the wider review undertaken by the Vice-Chancellor of the University of Sydney the bill will put an end to the incidents that have occurred at the college and ensure that they are not repeated at any other college. I commend the bill to the House.

Debate adjourned on motion by Ms Carmel Tebbutt and set down as an order of the day for a later hour.