

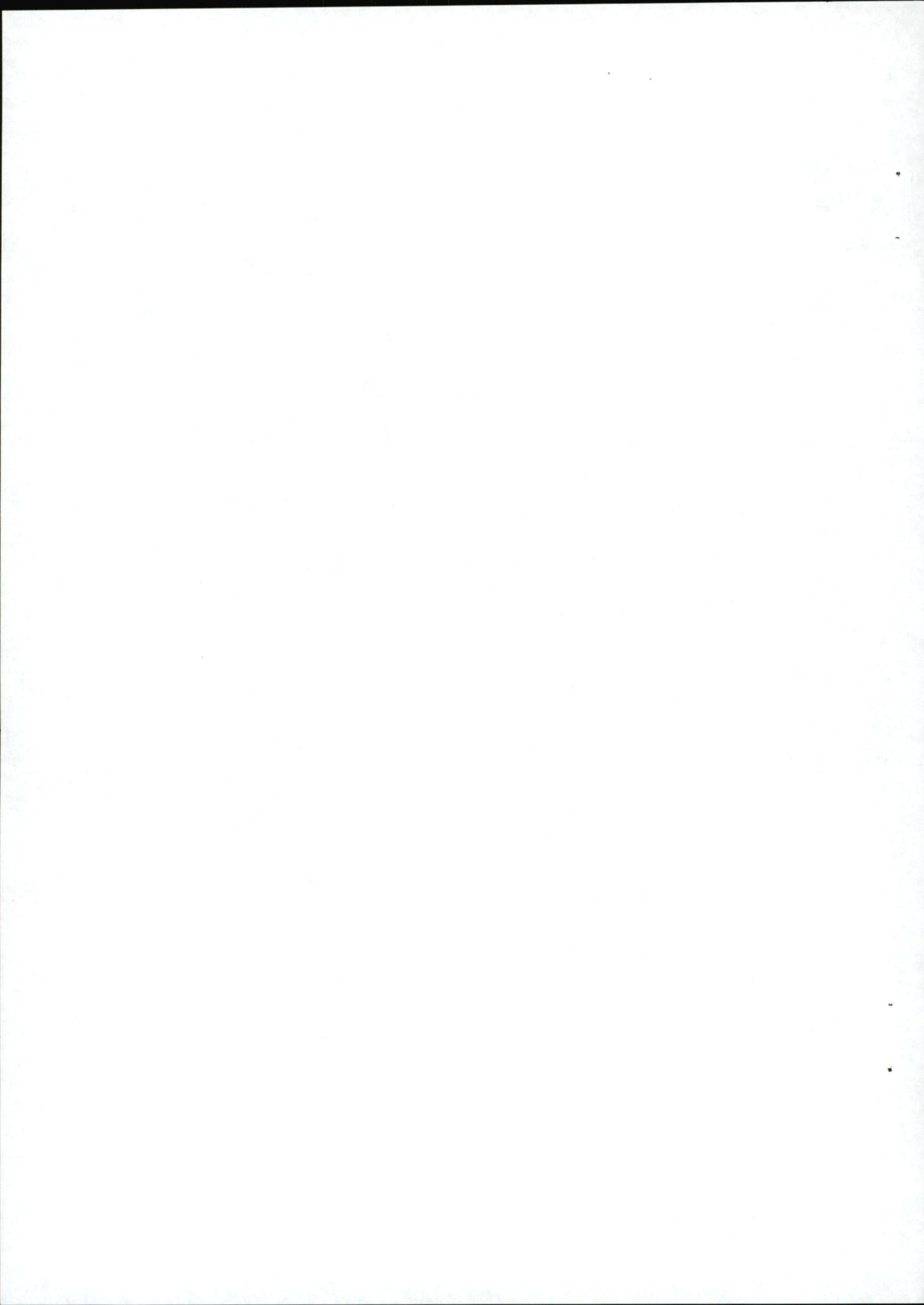


New South Wales

Women's College Amendment Act 1997 No 13

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New South Wales

Women's College Amendment Act 1997 No 13

Act No 13, 1997

An Act to amend the *Women's College Act 1902* in relation to the constitution of the Council of the Women's College and in relation to the Principal and Vice-Principal of that College; and for other purposes.
[Assented to 21 May 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Women's College Amendment Act 1997*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Women's College Act 1902 No 71

The *Women's College Act 1902* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order:

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

[2] Sections 5 and 5A

Omit section 5. Insert instead:

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.

[3] Section 8 Ex-officio councillors

Omit "two members of such Senate to be councillors" from section 8 (1).

Insert instead "one member of such Senate to be a councillor".

[4] Section 8 (3)

Omit "A person". Insert instead "The person".

[5] Section 8A Appointed councillor

Omit the section.

[6] Section 9 Quorum

Omit "Five". Insert instead "Seven".

[7] Section 11A

Insert after section 11:

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.

[8] Section 13 Appointment and powers of Principal

Omit the section.

[9] Section 13A Vice-Principal

Omit the section.

[10] Section 13B Appeals to Visitor

Omit the section.

[11] Section 16 By-laws

Insert after section 16 (1):

(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.

[12] Section 17 and Schedule 1

Insert after section 16:

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:

Women's College Amendment Act 1997 No 13

Schedule 1 Amendments

- (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.

[Minister's second reading speech made in—
Legislative Assembly on 23 April 1997
Legislative Council on 15 May 1997]

BY AUTHORITY

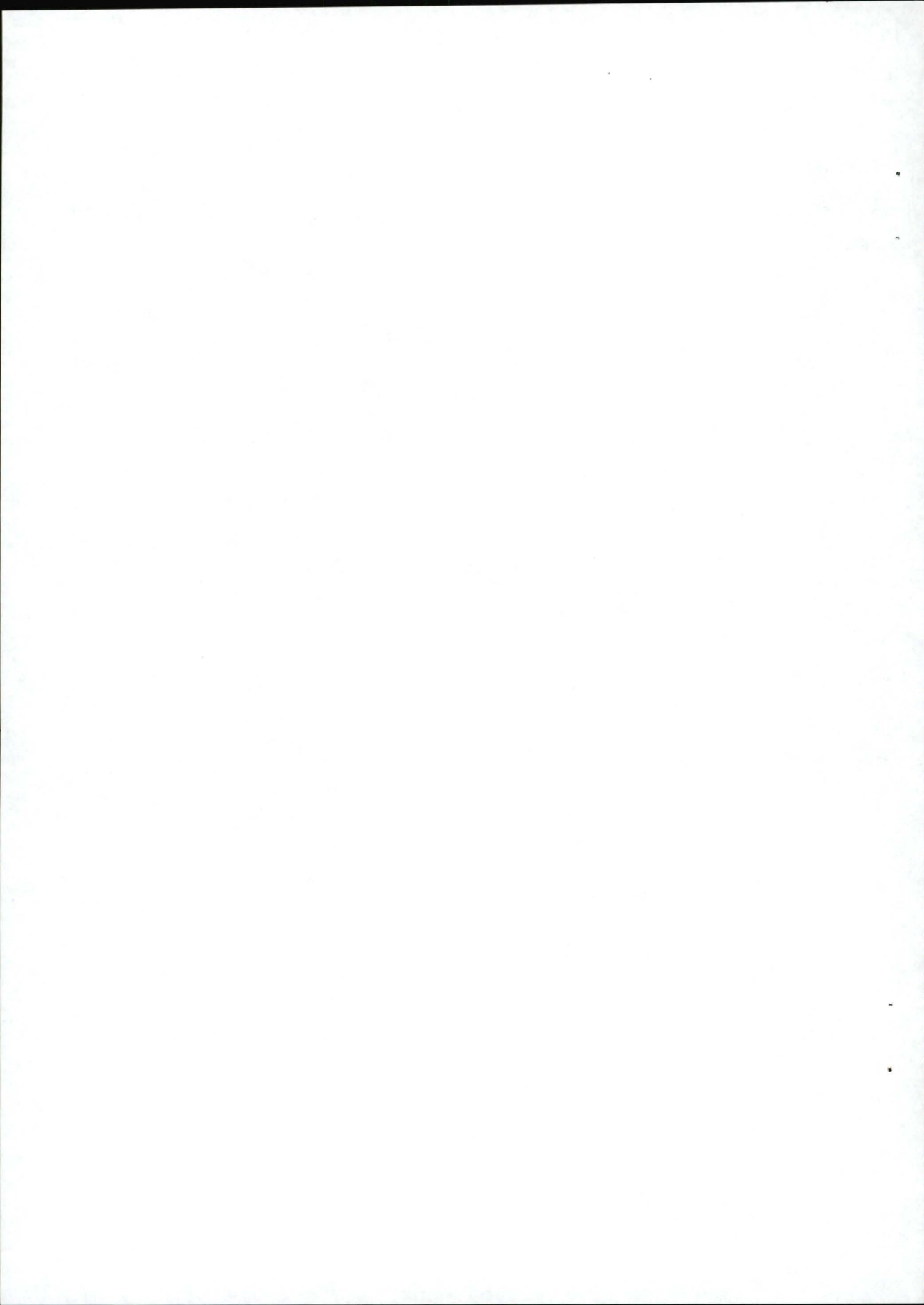


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Women's College Amendment Act 1997 No 13

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New South Wales

Women's College Amendment Act 1997 No 13

Act No 13, 1997

An Act to amend the *Women's College Act 1902* in relation to the constitution of the Council of the Women's College and in relation to the Principal and Vice-Principal of that College; and for other purposes.
[Assented to 21 May 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Women's College Amendment Act 1997*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Women's College Act 1902 No 71

The *Women's College Act 1902* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order:

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

[2] Sections 5 and 5A

Omit section 5. Insert instead:

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.

[3] Section 8 Ex-officio councillors

Omit "two members of such Senate to be councillors" from section 8 (1).

Insert instead "one member of such Senate to be a councillor".

[4] Section 8 (3)

Omit "A person". Insert instead "The person".

[5] Section 8A Appointed councillor

Omit the section.

[6] Section 9 Quorum

Omit "Five". Insert instead "Seven".

[7] Section 11A

Insert after section 11:

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.

[8] Section 13 Appointment and powers of Principal

Omit the section.

[9] Section 13A Vice-Principal

Omit the section.

[10] Section 13B Appeals to Visitor

Omit the section.

[11] Section 16 By-laws

Insert after section 16 (1):

(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.

[12] Section 17 and Schedule 1

Insert after section 16:

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:

Women's College Amendment Act 1997 No 13

Schedule 1 Amendments

- (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.

[Minister's second reading speech made in—
Legislative Assembly on 23 April 1997
Legislative Council on 15 May 1997]

BY AUTHORITY



Women's College Amendment Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Women's College Act 1902* (the Act) for the following miscellaneous purposes:

- (a) to reduce the size of the Council of the Women's College from 18 members to a maximum of 15,
 - (b) to increase the size of the quorum for a meeting of that Council from 5 to 7 members,
 - (c) to provide for a Treasurer of the Council,
 - (d) to exempt members of the Council and persons acting under the direction of the Council from personal liability in respect of acts and omissions done or omitted to be done in good faith for the purposes of executing the Act,
 - (e) to repeal the provisions relating to the appointment, powers, suspension and removal of the Principal and Vice-Principal of the College, and to allow the positions of Principal and Vice-Principal to be regulated by the by-laws and by the general law relating to employment.
-

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Women's College Act 1902* set out in Schedule 1.

Schedule 1 [1] inserts a definition of *Treasurer* of the Council of the Women's College for the purposes of the Act.

Schedule 1 [2] repeals section 5 (Constitution of Council) and inserts a proposed new section 5 and proposed section 5A in the Act.

Under section 5 at present, the Council of the Women's College (the Council) consists of 18 councillors—12 elected councillors, 5 ex-officio councillors (the Principal and Vice-Principal of the College, the President of the Women's College Union and 2 members of the Senate of the University nominated by the Senate) and a College resident (a student) appointed by the Principal.

The Council constituted by the proposed new section 5 will consist of 10 elected councillors, 4 ex-officio councillors (the Principal of the College, the Senior Student of the College, the President of the Women's College Union and one member of the Senate of the University nominated by the Senate) and the person appointed as Treasurer of the Council (if that person is not already a member of the Council).

Proposed section 5A enables the Council to appoint a councillor as Treasurer of the Council. If the Council is not able to appoint a councillor as Treasurer, the Council is to appoint another suitable person. However, a person is not to be appointed as Treasurer unless the person consents to the appointment. The Treasurer is taken to be a member of the Council (if not otherwise a member) while he or she holds the office of Treasurer.

The Treasurer is to be appointed for a term not exceeding one year, may be reappointed from time to time, may resign from office and may be removed from office (subject to the by-laws) by the Council.

Schedule 1 [3]–[5] make amendments consequential on the replacement of section 5.

Schedule 1 [6] increases the size of the quorum for meetings of the Council from 5 members to 7.

Schedule 1 [7] inserts proposed section 11A, which exempts members of the Council and persons acting under the direction of the Council from personal liability in respect of acts and omissions done or omitted to be done in good faith for the purposes of executing the Act.

Schedule 1 [8] repeals section 13, which provides for the appointment, powers, suspension and removal of the Principal of the College.

Schedule 1 [9] repeals section 13A which provides for the appointment, powers, suspension and removal of the Vice-Principal of the College.

Schedule 1 [10] repeals section 13B (Appeals to Visitor) in consequence of the proposed repeal of sections 13 and 13A.

Schedule 1 [11] amends section 16 (By-laws) to make it clear that the Council may make by-laws with respect to the Principal, Vice-Principal and Senior Student of the College and the union of members and friends of the College (currently known as the Women's College Union).

Schedule 1 [12] inserts a Schedule of savings and transitional provisions and a section (proposed section 17) giving effect to the Schedule. The provisions of the Schedule ensure the continuity of the Council, allow the persons (other than the Vice-Principal of the College) who are councillors on the commencement of the amendment reducing the size of the Council to complete their term of office, and provide for the phasing-in of the smaller council over 2 elections. However, the first and second casual vacancies (if any) in the office of an elective councillor will not be filled during the transitional period.

First print



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New South Wales

Women's College Amendment Bill 1997

No. , 1997

A Bill for

An Act to amend the *Women's College Act 1902* in relation to the constitution of the Council of the Women's College and in relation to the Principal and Vice-Principal of that College; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Women's College Amendment Act 1997*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

3 Amendment of Women's College Act 1902 No 71

The *Women's College Act 1902* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order:

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

[2] Sections 5 and 5A

Omit section 5. Insert instead:

5 Constitution of Council

- (1) The Council is to consist of: 10
- (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, 15
 - (iv) the person nominated by the Senate of the University under section 8 (1), and
 - (c) the Treasurer (if not otherwise a councillor). 20
- (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. 25
- (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. 30

Women's College Amendment Bill 1997

Schedule 1 Amendments

- (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. 5
 - (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.
- [3] Section 8 Ex-officio councillors 10**
Omit "two members of such Senate to be councillors" from section 8 (1).
Insert instead "one member of such Senate to be a councillor".
- [4] Section 8 (3) 15**
Omit "A person". Insert instead "The person".
- [5] Section 8A Appointed councillor**
Omit the section.
- [6] Section 9 Quorum**
Omit "Five". Insert instead "Seven".
- [7] Section 11A 20**
Insert after section 11:
- 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. 25

-
- [8] Section 13 Appointment and powers of Principal**
Omit the section.
- [9] Section 13A Vice-Principal**
Omit the section.
- [10] Section 13B Appeals to Visitor** 5
Omit the section.
- [11] Section 16 By-laws**
Insert after section 16 (1):
(1A) Without limiting subsection (1), the Council may make by-laws with respect to any one or more of the following: 10
(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. 15
- [12] Section 17 and Schedule 1**
Insert after section 16:
17 Savings and transitional provisions
Schedule 1 has effect.
- Schedule 1 Savings and transitional provisions** 20
(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: 25
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, 5
the person is to hold office, subject to the relevant section, for the balance of the person's term in accordance with that section. 10

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: 15
 - (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. 20
- (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). 25

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: 30

Women's College Amendment Bill 1997

Schedule 1 Amendments

- (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.

5



New South Wales

Women's College Amendment Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Women's College Act 1902* (the Act) for the following miscellaneous purposes:

- (a) to reduce the size of the Council of the Women's College from 18 members to a maximum of 15,
 - (b) to increase the size of the quorum for a meeting of that Council from 5 to 7 members,
 - (c) to provide for a Treasurer of the Council,
 - (d) to exempt members of the Council and persons acting under the direction of the Council from personal liability in respect of acts and omissions done or omitted to be done in good faith for the purposes of executing the Act,
 - (e) to repeal the provisions relating to the appointment, powers, suspension and removal of the Principal and Vice-Principal of the College, and to allow the positions of Principal and Vice-Principal to be regulated by the by-laws and by the general law relating to employment.
-

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Women's College Act 1902* set out in Schedule 1.

Schedule 1 [1] inserts a definition of *Treasurer* of the Council of the Women's College for the purposes of the Act.

Schedule 1 [2] repeals section 5 (Constitution of Council) and inserts a proposed new section 5 and proposed section 5A in the Act.

Under section 5 at present, the Council of the Women's College (the Council) consists of 18 councillors—12 elected councillors, 5 ex-officio councillors (the Principal and Vice-Principal of the College, the President of the Women's College Union and 2 members of the Senate of the University nominated by the Senate) and a College resident (a student) appointed by the Principal.

The Council constituted by the proposed new section 5 will consist of 10 elected councillors, 4 ex-officio councillors (the Principal of the College, the Senior Student of the College, the President of the Women's College Union and one member of the Senate of the University nominated by the Senate) and the person appointed as Treasurer of the Council (if that person is not already a member of the Council).

Proposed section 5A enables the Council to appoint a councillor as Treasurer of the Council. If the Council is not able to appoint a councillor as Treasurer, the Council is to appoint another suitable person. However, a person is not to be appointed as Treasurer unless the person consents to the appointment. The Treasurer is taken to be a member of the Council (if not otherwise a member) while he or she holds the office of Treasurer.

The Treasurer is to be appointed for a term not exceeding one year, may be reappointed from time to time, may resign from office and may be removed from office (subject to the by-laws) by the Council.

Schedule 1 [3]–[5] make amendments consequential on the replacement of section 5.

Schedule 1 [6] increases the size of the quorum for meetings of the Council from 5 members to 7.

Schedule 1 [7] inserts proposed section 11A, which exempts members of the Council and persons acting under the direction of the Council from personal liability in respect of acts and omissions done or omitted to be done in good faith for the purposes of executing the Act.

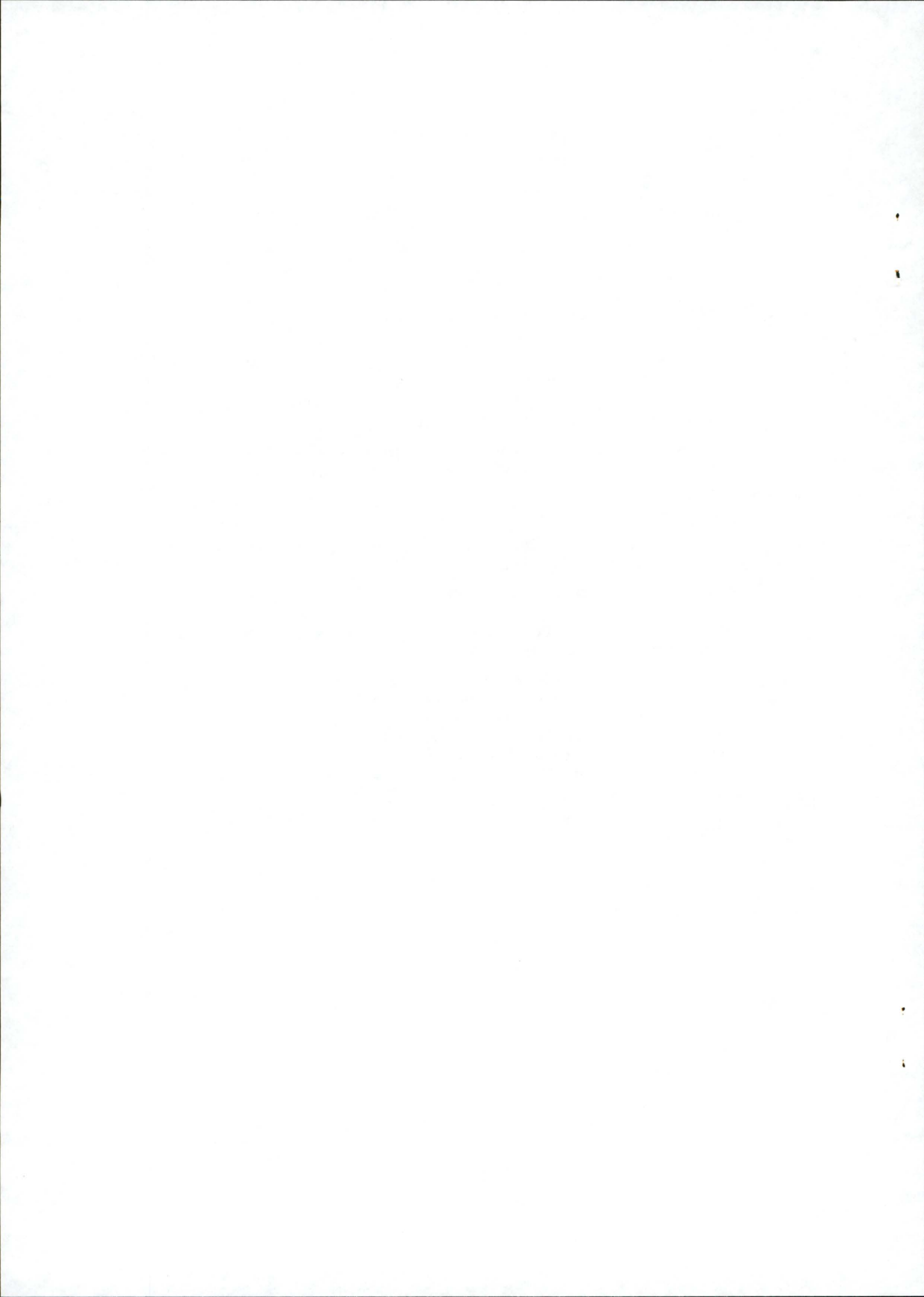
Schedule 1 [8] repeals section 13, which provides for the appointment, powers, suspension and removal of the Principal of the College.

Schedule 1 [9] repeals section 13A which provides for the appointment, powers, suspension and removal of the Vice-Principal of the College.

Schedule 1 [10] repeals section 13B (Appeals to Visitor) in consequence of the proposed repeal of sections 13 and 13A.

Schedule 1 [11] amends section 16 (By-laws) to make it clear that the Council may make by-laws with respect to the Principal, Vice-Principal and Senior Student of the College and the union of members and friends of the College (currently known as the Women's College Union).

Schedule 1 [12] inserts a Schedule of savings and transitional provisions and a section (proposed section 17) giving effect to the Schedule. The provisions of the Schedule ensure the continuity of the Council, allow the persons (other than the Vice-Principal of the College) who are councillors on the commencement of the amendment reducing the size of the Council to complete their term of office, and provide for the phasing-in of the smaller council over 2 elections. However, the first and second casual vacancies (if any) in the office of an elective councillor will not be filled during the transitional period.



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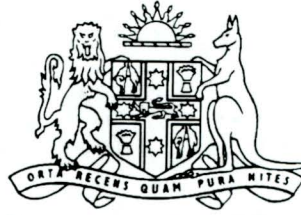


New South Wales

Women's College Amendment Bill 1997

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New South Wales

Women's College Amendment Bill 1997

No. , 1997

A Bill for

An Act to amend the *Women's College Act 1902* in relation to the constitution of the Council of the Women's College and in relation to the Principal and Vice-Principal of that College; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Women's College Amendment Act 1997*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

3 Amendment of Women's College Act 1902 No 71

The *Women's College Act 1902* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order:

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

[2] Sections 5 and 5A

Omit section 5. Insert instead:

5 Constitution of Council

- (1) The Council is to consist of: 10
- (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, 15
 - (iv) the person nominated by the Senate of the University under section 8 (1), and
 - (c) the Treasurer (if not otherwise a councillor). 20
- (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. 25
- (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. 30

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Schedule 1 Amendments

- (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. 5
- (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.
- [3] Section 8 Ex-officio councillors 10**
Omit "two members of such Senate to be councillors" from section 8 (1).
Insert instead "one member of such Senate to be a councillor".
- [4] Section 8 (3) 15**
Omit "A person". Insert instead "The person".
- [5] Section 8A Appointed councillor**
Omit the section.
- [6] Section 9 Quorum**
Omit "Five". Insert instead "Seven".
- [7] Section 11A 20**
Insert after section 11:
- 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. 25

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- [8] Section 13 Appointment and powers of Principal**
Omit the section.
- [9] Section 13A Vice-Principal**
Omit the section.
- [10] Section 13B Appeals to Visitor** 5
Omit the section.
- [11] Section 16 By-laws**
Insert after section 16 (1):
(1A) Without limiting subsection (1), the Council may make by-laws with respect to any one or more of the following: 10
(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. 15
- [12] Section 17 and Schedule 1**
Insert after section 16:
17 Savings and transitional provisions
Schedule 1 has effect.
- Schedule 1 Savings and transitional provisions** 20
(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: 25
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, 5
the person is to hold office, subject to the relevant section, for the balance of the person's term in accordance with that section. 10

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: 15
 - (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. 20
- (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). 25

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: 30

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Schedule 1 Amendments

- (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.

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