

LEGISLATIVE ASSEMBLY

Read 1° 3 July 1979

(Brought from the Legislative Council)

A BILL

for

An Act to incorporate Trinity College, being a college affiliated to and connected with the University of Melbourne, to dissolve The Trinity College (Melbourne) Trusts Corporation, to amend the *Janet Clarke Hall Act 1961* and for other purposes.

10 **WHEREAS** Trinity College (hereinafter in these recitals called **Preamble** “the College”) was founded in the year 1870 “in the name of God Almighty Father Son and Holy Spirit to aid in the advancement of sound learning and religious education by providing a home where students of the University of Melbourne may reside under Christian discipline and receive religious instruction in accordance with the Liturgy and the Articles of the Church of England and also by supplying means for the training and instruction of candidates for Holy Orders in the said Church” :

And whereas by Crown grant in the year 1871 land was granted to trustees for Trinity College and the College was thereafter governed according to regulations made by the trustees of that grant :

15 And whereas under the *Trinity College Act 1927* certain provisions were made to remove doubts that had arisen relating to the admission of students to the College without distinction of religious belief and to the holding of certain scholarships exhibitions bursaries and prizes and for the vesting of the College

site in The Trinity College (Melbourne) Trusts Corporation, a company limited by guarantee incorporated under the *Companies Act* 1915 :

And whereas, since the enactment of the *Trinity College Act* 1927, Trinity College has been governed by rules and regulations made by the Trinity College (Melbourne) Trusts Corporation : 5

And whereas by the *Trinity College Act* 1957 The Trinity College (Melbourne) Trusts Corporation was empowered to mortgage, charge, sell, transfer, convey, lease, exchange, or dispose of the land of the College : 10

And whereas under the *Janet Clarke Hall Act* 1961 certain provisions were made with respect to the separation of Janet Clarke Hall, being that part of Trinity College set aside for women students, from Trinity College and its establishment as a separate women's residential college affiliated to the University of Melbourne and for the transfer to Janet Clarke Hall, a company incorporated pursuant to the *Companies Act* 1958, of part of the land of Trinity College and of certain trust funds : 15

And whereas Trinity College is a college affiliated to the University of Melbourne : 20

And whereas it will conduce to the advancement of learning and to the welfare of Trinity College that the College be incorporated and that provision be made for the future government of the College and that all real and personal property held by The Trinity College (Melbourne) Trusts Corporation and all other property belonging to the College be vested in the incorporated College : 25

And whereas it is expedient to incorporate Trinity College, to make provisions relating to the College and to make certain other provisions relating to the incorporation of the College :

And whereas The Trinity College (Melbourne) Trusts Corporation, the Council of Trinity College, the Council of Janet Clarke Hall and the Council of the University of Melbourne have given the necessary assents : 30

Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :— 35

1. (1) This Act may be cited as the *Trinity College Act* 1979.

(2) This Act shall be read and construed as one with the *Trinity College Act* 1927 and the *Trinity College Act* 1957. 40

(3) This

(3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commencement.

2. In this Act, unless the contrary intention appears— Interpretation.

- 5 “College” means Trinity College established under section 3. “College.”
 “Constitution” means the Constitution of the College referred to in section 5 for the time being in force. “Constitution.”
 “Council” means the Council of the College appointed for the time being under the Constitution. “Council.”
 10 “Property” includes real and personal property of any description whether legal or equitable and includes every estate or interest in property. “Property.”
 “Unincorporated College” means Trinity College as established and existing immediately before the commencement of this Act. “Unincorporated College.”
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3. (1) There shall be established a college to be known as Trinity College consisting of the members of the College. Establishment of Trinity College.

(2) Subject to sub-section (3), the members of the College are—

- 20 (a) persons enrolled as resident or non-resident students at the College ;
 (b) persons who have at any time been enrolled as resident or non-resident students for not less than three terms, whether or not consecutive, at the College or
 25 at the Unincorporated College ;
 (c) persons who are or have been tutors of the College or of the Unincorporated College ;
 (d) persons who are or have been members of the Council or of the council of the Unincorporated College ;
 30 (e) persons who are or have been fellows of the College or of the Unincorporated College ; and
 (f) such other persons as the Council may from time to time elect as members.

35 (3) The Council may determine that a person ceases to be a member of the College if, after giving him such due notice and such opportunity to be heard as is reasonably practicable, in its discretion it considers termination of the membership of that person to be in the best interests of the College.

40 4. (1) The College shall be a body corporate and politic and shall have perpetual succession and a common seal and shall be capable in law of suing and being sued. College to be a body corporate.

(2) The

(2) The College may take purchase hold demise sell transfer convey mortgage or otherwise dispose of property and do and suffer all acts matters and things which bodies corporate may by law do or suffer.

Government of
College.

5. (1) The College shall, subject to this Act, be administered and governed according to the Constitution contained in the Schedule. 5

(2) An act or decision of the Council is not invalid by reason only of a vacancy or vacancies in the office of a member of the Council or a defect or irregularity in the appointment of a member of the Council. 10

(3) An act or decision of an officer of the College is not invalid by reason only of a defect or irregularity in his appointment, nomination or election.

Relationship
of College to
Melbourne
University.

6. (1) The *Melbourne University Act* 1958 applies to and in relation to the College in the same manner and to the same extent as it applied to the Unincorporated College immediately before the commencement of this Act. 15

(2) The College is affiliated to and connected with the University of Melbourne in the same manner and to the same extent as the Unincorporated College was affiliated to and connected with the University of Melbourne immediately before the commencement of this Act. 20

College
successor in
law of
Unincorporated
College.

7. (1) The College is the successor in law of the Unincorporated College. 25

(2) Without affecting the generality of sub-section (1)—

(a) a person who, immediately before the commencement of this Act, was an officer or employé of the Unincorporated College shall without further or other authority than this Act, be an officer or employé of the College holding an office or employment corresponding with that held by him in the Unincorporated College immediately before that commencement and no act matter or thing relating to his office or employment shall be abated or prejudicially affected by his transfer or the transfer of his services to the College ; and 30

(b) a person who, immediately before the commencement of this Act, was a fellow or student of the Unincorporated College shall, without further or other authority than this Act, be a fellow or student of the College with a status corresponding with that held by him in the Unincorporated College immediately before 35

that

that commencement and no act matter or thing relating to his status as a fellow or student shall be abated or prejudicially affected by his ceasing to be a fellow or student of the Unincorporated College by reason of this Act.

8. (1) The Trinity College (Melbourne) Trusts Corporation, a company limited by guarantee incorporated under the *Companies Act 1915*, is dissolved and the College is the successor in law of that Corporation.

Trinity College
(Melbourne)
Trusts
Corporation to
be dissolved.

10 (2) Without affecting the generality of sub-section (1)—

(a) the property which, immediately before the commencement of this Act, was vested in The Trinity College (Melbourne) Trusts Corporation shall, by reason of this Act, vest in the College without necessity for any conveyance, transfer or other assurance of property ; and

(b) all contracts deeds bonds agreements debts liabilities securities duties and obligations and all powers authorities immunities rights and privileges of The Trinity College (Melbourne) Trusts Corporation or made by or with or vested in exercisable by or imposed or binding upon or available to The Trinity College (Melbourne) Trusts Corporation immediately before the commencement of this Act shall be deemed to be the contracts deeds bonds agreements debts liabilities securities duties obligations powers authorities immunities rights and privileges of the College and shall be enforceable or exercisable by or against the College as fully and effectually as they would have been by or against The Trinity College (Melbourne) Trusts Corporation if this Act had not been enacted.

9. (1) All property which, immediately before the commencement of this Act, was vested in or otherwise belonged to the Unincorporated College shall, upon that commencement, vest in or belong to the College without necessity for any transfer or other assurance of property.

Transfer of
property of
Unincorporated
College to
the College.

(2) All contracts debts liabilities duties and obligations of the Unincorporated College existing immediately before the commencement of this Act shall be deemed to be the contracts debts liabilities duties and obligations of the College and shall be enforceable or exercisable by or against the College as fully and effectually as they would have been by or against the Unincorporated College if this Act had not been enacted.

10. (1) Where

Interpretation of trust instruments.

10. (1) Where any property was held in trust immediately before the commencement of this Act and the terms of the instrument governing the trust required or authorized the trustees at any time or in any circumstances or upon some condition or conditions that will or may occur after that commencement to apply any part of the capital or income of the trust property to or on behalf of Trinity College or any of its purposes or for the purpose of providing stipends scholarships studentships exhibitions bursaries prizes or other emoluments to or for the benefit of any person in connexion with Trinity College, the instrument governing the trust shall be construed as requiring or authorizing, as the case may be, the trustees to apply the trust property to the same extent and at the same times and in the same circumstances and upon the same conditions for the purpose of making payments whether of capital or income or to be applied as capital or income to or on behalf of the College or any of its purposes or for the purpose of providing stipends scholarships studentships exhibitions bursaries prizes or other emoluments to or for the benefit of any person in connexion with the College.

(2) A person authorized under the Constitution to give full and sufficient receipts for moneys paid to the College is authorized to give full and sufficient receipts to the trustee or trustees for the time being of an instrument governing a trust referred to in sub-section (1).

Gifts trusts wills, &c.

11. On and after the commencement of this Act— 25

- (a) a donation gift disposition or trust of property made or declared whether by deed or otherwise (other than by a will codicil or other testamentary disposition) before that commencement ; and
- (b) a bequest or other disposition or trust of property under a will codicil or other testamentary disposition made before that commencement (whether or not the testator died before that commencement)— 30

shall have effect, unless a contrary intention is expressly declared, as if in the deed or other instrument or declaration or in the will codicil or other testamentary disposition— 35

- (c) a reference to the Unincorporated College were a reference to the College ; and
- (d) a reference to an officer of the Unincorporated College or of the council of the Unincorporated College were a reference to a corresponding officer of the College or of the Council. 40

Powers of investment of trust funds.

12. (1) Any funds held by the College as trustee may be invested for the time being in the investments authorized by the *Trustee Act* 1958 or, unless the investment is expressly prohibited 45

by

by the instrument creating the trust, in any of the following investments :—

(a) Leasehold property ;

5 (b) Securities of a body corporate formed or incorporated in a State or Territory of Australia or of any foreign company within the meaning of the *Companies Act* 1961 that is registered in a State or Territory of Australia or of any recognized company within the meaning of that Act.

10 (2) In this section “ securities ” includes—

(a) stocks and shares ; and

(b) any debenture, debenture stock, bond, note or other security.

15 13. For section 2 (3) and section 3 of the *Janet Clarke Hall Act* 1961 there shall be substituted the following section :—

Amendment of No. 6752.

Gifts, &c. for Janet Clarke Hall and Trinity College.

Saving with respect to certain donations, gifts, bequests, &c.

20 “ 3. (1) A donation, gift, disposition or trust of real or personal property made or declared, whether by deed or otherwise, before the 1st day of January, 1974 (whether before or after the commencement of this Act) and a bequest, disposition or trust of real or personal property, under a will, codicil or other testamentary disposition made before that date (whether before or after that commencement and whether or not the testator died before that date or commencement)—

25 (a) insofar as it specifically relates solely to women staff or students at or in connexion with Trinity College (however expressed), shall take effect, unless it is expressed that it refers to women staff or students at both Trinity College and Janet Clarke Hall, as if a reference in it to Trinity College were a reference to Janet Clarke Hall ; and

30 (b) insofar as it creates a trust fund vested or to be vested in The Trinity College (Melbourne) Trusts Corporation (or in any other trustee or trustees) for the purpose of providing a bursary, scholarship, prize or other emolument or benefit capable of being awarded either to a man or to a woman at or in connexion with Trinity College shall take effect in relation to both Trinity College and Janet Clarke Hall.

35 (2) Trinity College may, wherever necessary or appropriate to give effect to the provisions of sub-section (1), make proper payments to, or in relation to, Janet Clarke Hall.

(3) Any dispute between Trinity College and Janet Clarke Hall as to the interpretation or operation of this section or of any corresponding previous enactment that cannot be resolved by agreement between Trinity College and Janet Clarke Hall may be

referred

referred by the Council of Trinity College or the Council of Janet Clarke Hall after giving not less than one month's notice in writing to the other Council, or may be so referred by both the Council of Trinity College and the Council of Janet Clarke Hall, to the Council of the University of Melbourne. 5

(4) Where a dispute is referred under sub-section (3) to the Council of the University of Melbourne, that Council shall appoint a single arbitrator to adjudicate upon and settle the dispute and the arbitrator shall proceed under and in accordance with the *Arbitration Act 1958* except that the costs and expenses of the arbitration shall be borne by Trinity College and Janet Clarke Hall in equal shares. 10

(5) Nothing in this section invalidates or otherwise affects any award payment transfer or other transaction relating to a bursary scholarship prize or other emolument or benefit under or pursuant to a donation gift disposition or trust of property referred to in sub-section (1) which has been made or effected before the date of commencement of the *Trinity College Act 1979*. 15

(6) Subject to this section, a donation gift disposition or trust of real or personal property made or declared whether by deed or otherwise (whether before or after the commencement of the *Trinity College Act 1979*) and a bequest disposition or trust of real or personal property under a will, codicil or other testamentary disposition (whether made before or after that commencement and whether or not the testator died before that commencement) for the benefit of Trinity College, howsoever described, or its purposes or for the benefit of any staff or student of Trinity College or for the benefit of men or women staff or students at Trinity College or for the benefit of both men and women staff or students at Trinity College, however expressed, shall take effect according to its tenor in relation to Trinity College alone." 20 25 30

THE SCHEDULE.

THE CONSTITUTION OF TRINITY COLLEGE.

1. (1) In this Constitution, unless the contrary intention appears—
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| “ Council ” means the Council of the College. | Interpretation.
“ Council.” |
| “ Section ” means section of this Constitution. | “ Section.” |
| “ The Act ” means the <i>Trinity College Act 1979</i> . | “ The Act.” |
| “ The College ” means the College incorporated under the Act under the name and style of Trinity College. | “ The College.” |
| “ The Unincorporated College ” means Trinity College as established and existing immediately before the commencement of the Act. | “ The Unincorporated College.” |
| “ Warden ” means the Warden of the College appointed in accordance with section 10 and includes a person appointed to act as Warden. | “ Warden.” |
- (2) In this Constitution, a reference to the Anglican Church of Australia shall, until the commencement of the *Anglican Church of Australia Constitution (Amendment) Act 1977*, be deemed to be a reference to the Church of England in Australia.
- (3) In this Constitution—
- (a) a reference to the Trinity College Associated Clubs is a reference to the body of that name whose constitution is for the time being approved by the Council ; and
- (b) a reference to the Union of the Fleur-de-Lys is a reference to the body of that name whose constitution is for the time being approved by the Council.
2. The objects of the College are—
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| (a) to provide an academic community— | Objects of
the College. |
| (i) in which the Christian faith, sound learning, critical discussion, social responsibility and ideals of community service are encouraged ; and | |
| (ii) where students from a wide range of disciplines are able to share in the academic, social and recreational opportunities of collegiate life ; | |
| (b) to make provision for the teaching and study of theology and for the preparation of candidates for ordained ministry in the Anglican Church of Australia or in a church in communion with the Anglican Church of Australia ; | |
| (c) to maintain a community of Fellows and tutors through whose example, guidance and teaching the objects of the College may be advanced ; and | |
| (d) to provide opportunity for regular corporate Christian worship and instruction according to the liturgy and doctrine of the Anglican Church of Australia. | |
3. (1) There shall be a Council of the College consisting of—
- | | |
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| (a) the persons for the time being holding the offices of— | The Council. |
| (i) Archbishop of Melbourne ; | |
| (ii) Warden ; | |
| (iii) Dean of the College ; | |
| (iv) Bursar of the College ; | |
| (v) Chaplain of the College ; | |
| (vi) Director of the Theological School of the College ; | |
| (vii) President of the Senior Common Room ; | |
| (viii) Senior Student of the College ; | |
| (b) two bishops (other than the Archbishop of Melbourne) elected by the Archbishop and the Bishops of Ballarat, Bendigo, Gippsland and Wangaratta from their own number ; | |
| (c) two persons, one appointed by the Bishop in Council of one of those two of the Dioceses of Ballarat, Bendigo, Gippsland and Wangaratta whose bishop is not elected under paragraph (b) of this sub-section and the other appointed by the Bishop in Council of the other of those two dioceses ; | |

THE SCHEDULE—*continued.*

- (d) one person appointed by the Archbishop in Council of the Diocese of Melbourne ;
- (e) two senior members of the staff of the University of Melbourne appointed by the Council of the University ;
- (f) subject to sub-section (3) of this section, two Fellows of the College elected by the Fellows of the College ;
- (g) two students of the College who are residents of the College appointed by the Trinity College Associated Clubs Committee ;
- (h) two persons who were resident student members of the College, or were resident students in the Unincorporated College, appointed by the Committee of the Union of the Fleur-de-Lys ; and
- (i) four persons co-opted by the members of the Council.
- (2) A person shall not be co-opted by the members of the Council under paragraph (i) of sub-section (1) of this section unless the co-optation is agreed to by a majority of the members of the Council holding office immediately before the co-optation is made.
- (3) If at any time there are less than four Fellows of the College, the members of the Council referred to in paragraph (f) of sub-section (1) of this section shall not be appointed or, if a member of the Council holds office under that paragraph, he shall cease to hold office and, in respect of any period during which there are less than four Fellows, paragraph (i) of sub-section (1) of this section shall be read as a reference to six persons of whom two shall be co-opted as members holding office, subject to sub-section (4) of this section, during the period during which there are not more than four Fellows of the College.
- (4) Subject to sub-section (7) of this section, the term of office of a member of the Council referred to in paragraph (b), (c), (d), (e), (f), (h) or (i) of sub-section (1) of this section is four years from the date of his appointment or co-optation but, subject to this section, the member is eligible for re-appointment or for co-optation for a further term of office.
- (5) Notwithstanding the preceding provisions of this section—
- (a) one of each of the members of the Council first appointed under paragraph (b), (c), (e), (f) or (h) of sub-section (1) of this section, shall be appointed for a term of two years ; and
- (b) one-half of the members of the Council first co-opted under paragraph (i) of sub-section (1) of this section, shall be co-opted for a term of two years—
- and sub-section (4) of this section shall apply in respect of their appointment as if the reference to four years in that sub-section were a reference to two years.
- (6) The student members of the Council referred to in paragraph (g) of sub-section (1) of this section shall be appointed by the Trinity College Associated Clubs Committee in or about September each year and each member so appointed holds office until the appointment of the next student members in or about the following September or until he sooner resigns or is removed from office or ceases to be a resident student, whichever first occurs.
- (7) A member of the Council (other than a member for the time being holding an office referred to in paragraph (a) of sub-section (1) of this section) ceases to hold office—
- (a) upon the expiration of his term of office ;
- (b) in the case of a bishop elected under paragraph (b) of sub-section (1) of this section, upon ceasing to be the bishop of the diocese of which he was bishop when elected ;
- (c) upon attaining the age of 70 years ; or
- (d) upon resigning or being removed from office—
- whichever first occurs.

THE SCHEDULE—*continued.*

(8) Where under sub-section (6) or (7) of this section a member of the Council ceases to hold office before the expiration of the term for which he was appointed, or a person appointed to fill a vacancy in the office held by such a member ceases to hold office before the expiration of the remainder of that term, a person eligible for appointment to that office shall be appointed in accordance with this section to fill the vacancy for the remainder of that term of office or until he attains the age of 70 years or sooner resigns or is removed from office or ceases to be so eligible, whichever first occurs.

(9) A member of the Council referred to in paragraph (b), (c), (d), (e), (f), (g), (h) or (i) of sub-section (1) of this section, may resign his office by notice in writing given to the Secretary of the Council.

(10) A member of the Council may not act through a delegate or representative except insofar as the Council determines that a member may vote by another member as proxy.

4. (1) The Archbishop of Melbourne shall be President of the Council and shall preside at meetings of the Council at which he is present and wishes to preside. President of Council.

(2) If, at or during a meeting of the Council, the President is not present or does not wish to preside, the members present shall elect one of their number to preside during the absence of the President or while he does not wish to preside. Acting Chairman.

5. There shall be a Secretary of the Council appointed by the Council from time to time. Secretary of Council.

6. (1) The Council shall meet at least three times in each year. Meetings of Council.

(2) Meetings of the Council shall be held at such times as the Council determines.

(3) Where the Secretary of the Council receives a request from the Archbishop of Melbourne or from the Warden, or a request in writing from at least five other members of the Council, the Secretary shall call a meeting of the Council to be held on a day not later than 21 days after he receives the request.

7. The Council shall not delegate— Delegation.

(a) a function of the Council ; or

(b) any of its powers relating to the appointment of the Warden, the approval of the erection of new buildings or its powers under section 9 or section 25.

8. (1) A question shall not be determined at a meeting of the Council unless at least eight members of the Council are present. Quorum and business of Council.

(2) Minutes shall be kept of proceedings of meetings of the Council.

(3) Subject to the Act and this Constitution, the procedure of the Council is in its discretion.

9. (1) Subject to the Act and this Constitution, the Council may from time to time establish such committees as it thinks fit to exercise powers delegated by the Council. Committees.

(2) A committee established by the Council shall consist of the Warden (unless the Council otherwise determines) and such number of members of the Council and such lesser number of other members as the Council from time to time determines.

(3) A committee may co-opt a person as a member unless, after the co-optation, the number of members of the committee who are members of the Council equals or is less than the number of other members of the committee.

(4) A committee shall not delegate any of its powers.

(5) The Council shall determine the number of members of a committee required to be present when a question is determined at a meeting of the committee.

(6) Subject to this section, the procedure of a committee is in its discretion.

(7) The Council may at any time dissolve a committee established under sub-section (1).

10. (1) There shall be a warden of the College who shall be a person appointed by the Council who— Warden.

(a) is a graduate of the University of Melbourne or of a University recognized by the University of Melbourne ; and

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THE SCHEDULE—*continued.*

(b) is a communicant member of the Anglican Church of Australia, unless on the recommendation of the Council, the Archbishop of Melbourne determines, in a particular case, that the Warden need not be such a communicant member.

(2) The Warden shall be appointed for such period and upon such terms and conditions as the Council determines.

(3) The Warden shall be the chief executive officer of the College and shall perform such duties as the Council from time to time determines in relation to—

(a) the appointment and employment of teaching staff (other than lecturers and tutors in the Theological School) and other staff ;

(b) the good government of the College ; and

(c) the education and teaching of students.

Acting warden.

(4) If for any reason the Warden is unable to perform the duties of his office, the Council may appoint a person eligible to be appointed Warden to perform the duties of the Warden during the period of the inability.

Dean.

11. (1) There shall be a dean of the College appointed by the Council for such period and upon such terms and conditions as the Council determines.

(2) The duties of the Dean shall be as determined from time to time by the Council.

Bursar.

12. (1) There shall be a bursar of the College appointed by the Council for such period and upon such terms and conditions as the Council determines.

(2) The duties of the Bursar shall be as determined from time to time by the Council.

Chaplain.

13. (1) There shall be a chaplain of the College appointed by the Council on the recommendation of the Archbishop of Melbourne and the Warden for such period and upon such terms and conditions as the Council determines.

(2) The duties of the Chaplain shall be as determined from time to time by the Council.

President of the Senior Common Room.

14. There shall be a President of the Senior Common Room of the College appointed by the Warden, after consultation with the resident tutors of the College, who shall hold office for such period and shall perform such duties as the Warden from time to time determines.

Senior Student.

15. (1) There shall be a senior student of the College who shall be a student resident in the College elected by the Trinity College Associated Clubs.

(2) The Senior Student shall hold office for the period for which he is elected or until he sooner resigns or ceases to be a student resident in the College, whichever first occurs.

Fellows of College.

16. (1) The Council may, in accordance with sub-section (2) of this section, elect as a Fellow of the College a person who has played a distinguished part in academic, ecclesiastical or public life and who has contributed to the life or work of the College or of the Unincorporated College or who is believed likely to contribute to the life or work of the College, whether or not he holds or has held an office within the College.

(2) The Council may, at a meeting of which notice in writing is given or posted by the Secretary of the Council to each member of the Council at least two weeks before the date of the meeting, elect a person as a Fellow by a number of votes that is not less than two-thirds of the votes of the members of the Council voting in person or by proxy.

(3) The Council shall not elect a person as a Fellow if the number of persons holding office as Fellows would, after that election, exceed 20.

THE

THE SCHEDULE—*continued.*

(4) The Council may, subject to the Act and this Constitution, from time to time confer rights or impose obligations on the Fellows of the College.

(5) A Fellow holds office until he dies, unless he sooner resigns or his fellowship is terminated under sub-section (7) of this section.

(6) A Fellow may resign his fellowship by notice in writing given to the Secretary of the Council.

(7) The Council may, at a meeting of which notice in writing is given or posted by the Secretary of the Council to each member of the Council at least two weeks before the date of the meeting, terminate the fellowship of a Fellow by a majority of the votes of the members of the Council or where the number of votes cast at the meeting in person or by proxy is greater than half the number of the members of the Council, by a number of votes that is not less than three-quarters of those votes.

17. There shall be a theological school within the College for the teaching and study of theology and for the preparation of candidates for ordained ministry in the Anglican Church of Australia or in a church in communion with the Anglican Church of Australia.

Theological School.

18. The bishops of the Ecclesiastical Province of Victoria—

(a) shall determine the principles upon which, and the manner in which, the Theological School shall operate ; and

(b) may give approval for the participation of the Theological School in programmes of theological education carried on by other bodies.

Bishops to oversee Theological School.

19. In connexion with performing their functions under section 18, the bishops shall confer with the Warden and Chaplain of the College and the Director of the Theological School in February each year or at some other time before the beginning of each academic year.

Annual meeting.

20. There shall be a director of the Theological School appointed by the bishops of the Ecclesiastical Province of Victoria in consultation with the Warden, for such period and upon such terms and conditions as the bishops determine, subject to ratification by the Council of the College.

Director of Theological School.

21. The Director of the Theological School—

(a) shall, subject to section 18 and to the authority of the Warden and the Dean, be responsible for the effective operation of the Theological School ;

(b) shall, subject to the authority of the Warden and the Dean of the College, be responsible for the welfare of the students in the Theological School ; and

(c) shall report on the operation of the Theological School to the bishops of the Ecclesiastical Province of Victoria at the annual meeting held in accordance with section 19.

Duties of Director.

22. The Director of the Theological School—

(a) may approve the admission to the school of any person who is a member of the College ; and

(b) may approve the admission to the school of a person as a candidate for ordained ministry in the Anglican Church of Australia or in a church in communion with the Anglican Church of Australia if he is—

(i) a member of the College ; and

(ii) sponsored as an ordination candidate by a diocesan bishop of the Anglican Church of Australia or of a church in communion with the Anglican Church of Australia.

Students.

23. (1) There shall be such lecturers and tutors in the Theological School appointed by the Director of the school, with the consent of the Warden, as the Director determines.

Lecturers and tutors.

(2) A lecturer or a tutor shall be appointed for such period and upon such terms and conditions as the Warden determines.

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THE SCHEDULE—*continued.*

24. (1) The Council shall cause to be kept proper accounts and records of the transactions and affairs of the College and shall do all things necessary to ensure that all payments of moneys are correctly made and properly authorized and that adequate control is maintained over the assets of the College and over the incurring of liabilities by the College.

(2) The Council shall cause the accounts of the College to be audited once in each year by a registered company auditor.

(3) The annual accounts of the College shall be open for inspection at such times and places and subject to such conditions as the Council thinks fit by members of the College and by such other persons as the Council from time to time determines.

(4) The Bursar shall as soon as practicable after the end of each financial year present to a meeting of the Council such audited income and expenditure accounts, balance-sheets and reports as properly record the affairs of the College during that financial year.

(5) As soon as practicable after the accounts, balance-sheets and reports presented under sub-section (4) of this section to a meeting of the Council are approved by the Council, the Council shall send a copy of the accounts, balance-sheets and reports to the Archbishop in Council of the Diocese of Melbourne.

25. (1) Subject to this section, the Council may alter or repeal any provision of this Constitution, other than this section, and may amend this Constitution by the addition of new provisions not inconsistent with this section.

(2) An alteration or repeal of a provision of, or an amendment of, this Constitution under sub-section (1) of this section shall not be made unless a resolution for the alteration repeal or amendment is agreed to by at least two-thirds of the number of persons at that time holding office as members of the Council.

Accounts of
the College.

Alteration of
Constitution.