

South Australia

Prince Alfred College Incorporation Act 1878

An Act to provide for the incorporation of the Prince Alfred College, and for other purposes.

Contents

Preamble

Part 1—Introductory

- 1 Division
- 2 Short title
- 3 Interpretation

Part 2—Incorporation

- 4 Incorporation of subscribers
- 5 Subscribers to incur no personal liability
- 7 Vesting of estate

Part 3—Trusts

- 8 Trusts of college estate
- 9 General funds
- 10 Special gifts
- 11 Trusts of general funds
- 12 Power to found or assist other institutions
- 13 Power to borrow
- 14 Investment

Part 4—Management and miscellaneous

- 15 Fundamental principle
- 16 The Council
- 17 Constitution
- 18 Council to abide by directions of Synod
- 19 Variation of Constitution
- 20 Certificate of Moderator

Schedules referred to

Part 1—College estate

Legislative history

Preamble

WHEREAS in or about the year one thousand eight hundred and sixty-five, it was resolved by a number of persons to establish a college in the neighborhood of Adelaide in connection with the Wesleyan Methodist Church:

AND WHEREAS the necessary funds having been contributed from private sources the land described in the first part of the Schedule hereto has been purchased by Trustees for the Institution, and a college known as Prince Alfred College has been erected thereon:

AND WHEREAS the college has been open for some years, and is now largely attended, and it is desirable by Act to incorporate the college and to declare the trusts of the property thereof, and to provide for and regulate the management and affairs thereof.

The Parliament of South Australia enacts as follows:

Part 1—Introductory

1—Division

This Act shall be divided into four parts, as follows—

Part 1—Introductory;

Part 2—Incorporation;

Part 3—Trusts;

Part 4—Management and miscellaneous.

2—Short title

This Act may be cited as *Prince Alfred College Incorporation Act 1878*.

3—Interpretation

In this Act the extent and meaning of general words shall not be limited by the addition of particular words, and unless the context shall otherwise indicate, the following terms shall have the following meanings—

College shall mean Prince Alfred College as incorporated by this Act;

Council means the Council of the College;

Property shall mean real and personal estate of all kinds;

College Estate shall mean the lands described in the first part of the Schedule hereto;

Synod means The Uniting Church in Australia, Synod of South Australia, or the Standing Committee of that Synod.

Part 2—Incorporation

4—Incorporation of subscribers

All persons who have heretofore voluntarily subscribed, or shall hereafter voluntarily subscribe to the funds of the college, shall be incorporated as and form one body politic and corporate by the name of Prince Alfred College, and by that name shall have perpetual succession and a common seal, with power to break, alter, or vary such seal, and to acquire, accept, hold and dispose of property, and to exercise all the powers and functions of an incorporated body.

5—Subscribers to incur no personal liability

No subscriber shall in any event incur any personal responsibility for the debts and liabilities of the college, but the property of the college shall alone be liable to satisfy the same.

7—Vesting of estate

The college estate is hereby vested in the college for an estate in fee simple subject to the mortgage noted on the registered certificate of title (Vol CCIV., folio 23), as regards the land comprised therein, and shall henceforth be held by the college upon the trusts hereinafter mentioned.

Part 3—Trusts

8—Trusts of college estate

The college estate shall be held upon the following trusts, that is to say—

- (I) The college shall maintain the buildings erected thereon, and any buildings which may be in future erected thereon, out of such funds as may be applicable to the purpose, but with power, nevertheless, to pull down or alter any existing or future buildings as the Council may deem expedient;
- (II) The college shall permit the land and buildings to be used and occupied for the purposes of a college, or place of education and learning, and in connection therewith, and so far as the Council may deem expedient for the benefit of the professors, masters, teachers, officers, and students of the college.

9—General funds

All moneys which may be received by the college from or on account of any student, and all property of which any disposition may be made to or in favor of the college, or which may become applicable to the purposes thereof, without any special direction or limitation, shall be deemed portion of the general funds of the college.

10—Special gifts

All property of which any disposition shall be made to or in favor of the college, with any special direction or limitation, shall, if accepted by the college, so far as consistent with the provisions of this Act, be applied in accordance with such direction or limitation, and subject thereto, shall be deemed portion of the general funds of the college, and no law of mortmain, or relating to the disposition of property for charitable purposes, shall extend to invalidate any disposition of property to or in favor of the college.

11—Trusts of general funds

The general funds of the college shall be applicable in such manner as the Council shall deem expedient in carrying on and extending the business and operations, and promoting the interests and increasing the attractions of the college, and in payment and discharge of all working expenses, debts and liabilities of the college, particularly including mortgage debts, and the cost of building, maintaining altering rebuilding, improving, and enlarging buildings, and particularly including any building for religious worship.

12—Power to found or assist other institutions

Any surplus of the general funds of the college remaining after payment and satisfaction, or making due provision for the payment and satisfaction of the working expenses, debts, and liabilities of the college for the current year, may be applied in such manner as the Council shall think fit, in promoting the foundation of, or founding and establishing, or assisting any collegiate or educational institution, whether for males or females, and which in the management thereof shall not violate the fundamental principle of the college.

13—Power to borrow

The College may borrow money and for that purpose may give security over the property of the College.

14—Investment

The College may invest any portion of the general funds of the College which are not required for immediate expenditure in any of the investments for the time being being authorised by the laws of the Commonwealth of Australia or any State or Territory thereof for investment of trust funds and in the purchase or mortgage of real estate or leasehold estate and in the purchase or acquisition of bonds debentures debenture stock mortgages unsecured deposits registered notes obligations or securities or the guaranteed preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company or public municipal or local body or authority in the Commonwealth of Australia with power to vary or transpose any of such investments from time to time.

Part 4—Management and miscellaneous

15—Fundamental principle

The fundamental principle of the College is that no instruction shall be imparted thereat which shall in any way contravene the doctrines of The Uniting Church in Australia and nothing in this Act or in any rule shall in any way violate this principle.

16—The Council

The College shall be managed and governed by a council to be called *The Prince Alfred College Council*, which shall have the sole management and government of the College and of the business and affairs thereof, and may execute and exercise all trusts and powers in the name and on behalf of the College.

17—Constitution

- (1) The composition of the Council and its method of election and operation shall be defined from time to time in rules to be known as "The Constitution of The Prince Alfred College Council". Subject to the Constitution the proceedings of the Council shall be conducted in such manner as the Council determines.

18—Council to abide by directions of Synod

The Council shall conform to and abide by all directions to be given by the Synod with reference to the College, but no such direction shall invalidate any prior act of the Council or be of any effect so far as it may be repugnant to this Act or to the fundamental principle of the College.

19—Variation of Constitution

- (1) Subject to this section the Council may vary the Constitution.
- (2) A variation must not be inconsistent with this Act.
- (3) A variation shall come into force upon being approved by the Synod.
- (4) A variation must be passed by twelve members of the Council present and voting at a meeting of the Council, or three-quarters of the members present and voting, whichever is the greater.
- (5) At least twenty-eight days notice in writing of the meeting setting out the proposed variation must be given to members of the Council in accordance with the Constitution.
- (6) A resolution passed at a meeting of the Council varying the Constitution shall not be invalidated solely by the accidental failure to give notice to any member of the Council as required by this section.
- (7) In this section—
vary means vary by any means whatever whether by addition revocation or substitution and *variation* has a corresponding meaning.
- (8) Section 38 of the *Acts Interpretation Act 1915* shall not apply to any variation made pursuant to this section.

20—Certificate of Moderator

A certificate purporting to be signed by the Moderator of the Synod and purporting to certify that any act was done by or on behalf of the Synod for the purposes of this Act shall be conclusive evidence of that act and that the act was validly done by or on behalf of the Synod.

Schedules referred to

Part 1—College estate

Firstly.—That piece of land situated in the Hundred of Adelaide, County of Adelaide, being portion of the section No. 255, laid out as Kent Town, and bounded as appears in the plan in the margin of Certificate of Title, Vol. CCIV., folio 23; which said piece of land contains ten acres, three roods, and fifteen perches, or thereabouts, and is the whole of the land comprised in the said certificate. Subject to mortgage No. 87804.

Secondly.—That piece of land situated in the Hundred of Adelaide, County of Adelaide, being the allotments numbered respectively 4, 5, and 6, each containing twenty-seven perches, or thereabouts, of the section 255, laid out as Kent Town, which said piece of land is bounded as appears in the plan in the margin of Certificate of Title, Vol. CCIV., folio 25, and is the whole of the land comprised therein.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1878	—	<i>Prince Alfred College Incorporation Act 1878</i>	30.11.1878	30.11.1878
1977	8	<i>The Uniting Church in Australia Act 1977</i>	28.4.1977	22.6.1977 (<i>Gazette 16.6.1977 p1708</i>)
2007	42	<i>Prince Alfred College Incorporation (Constitution of Council) Amendment Act 2007</i>	25.10.2007	24.9.2006 except ss 1—4, 5(2), 6 & Sch 1—25.10.2007: s 2

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 1	amended by 8/1977 Sch 3	22.6.1977
s 2	amended by 8/1977 Sch 3	22.6.1977
s 3		
<i>Committee</i>	<i>deleted by 8/1977 Sch 3</i>	22.6.1977
Council	inserted by 8/1977 Sch 3	22.6.1977
<i>South Australian Wesleyan Methodist Conference</i>	<i>deleted by 8/1977 Sch 3</i>	22.6.1977
Synod	inserted by 8/1977 Sch 3 substituted by 42/2007 s 4	22.6.1977 25.10.2007
Pt 2		
s 6	<i>deleted by 8/1977 Sch 3</i>	22.6.1977
Pt 3		
s 8	amended by 8/1977 Sch 3	22.6.1977
s 11	amended by 8/1977 Sch 3	22.6.1977
s 12	amended by 8/1977 Sch 3	22.6.1977
s 13	substituted by 8/1977 Sch 3	22.6.1977
s 14	substituted by 8/1977 Sch 3	22.6.1977
Pt 4		
heading	amended by 8/1977 Sch 3	22.6.1977

ss 15 and 16	substituted by 8/1977 Sch 3	22.6.1977
s 17	substituted by 8/1977 Sch 3	22.6.1977
s 17(1)	amended by 42/2007 s 5(1)	24.9.2006
	amended by 42/2007 s 5(2)	25.10.2007
s 17(2) and (3)	<i>deleted by 42/2007 s 5(3)</i>	24.9.2006
ss 18—20	substituted by 8/1977 Sch 3	22.6.1977
ss 21—31	<i>deleted by 8/1977 Sch 3</i>	22.6.1977
Sch		
Pt 2	<i>substituted by 8/1977 Sch 3</i>	22.6.1977
	<i>deleted by 42/2007 s 6</i>	25.10.2007

Transitional etc provisions associated with Act or amendments

Prince Alfred College Incorporation (Constitution of Council) Amendment Act 2007, Sch 1

1—Amendment of Constitution

The amended Constitution of The Prince Alfred College Council, as approved by resolution of the Council of the College on 24 September 2006, will be taken to come into force and effect on the day on which this Act is assented to by the Governor.