

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

14th October, 1930.

Hon. Mr. Murdoch.

CANTERBURY AGRICULTURAL COLLEGE.

ANALYSIS.

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A BILL INTITULED

AN ACT to consolidate and amend certain Enactments relating to the Title. Canterbury Agricultural College.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Canterbury Agricultural College Act, 1930, and shall come into force on the first day of January, nineteen hundred and *thirty-one*.

Short Title and commencement.

10 2. In this Act, unless the context otherwise requires,—

Interpretation.

“The Board” means the Board of Governors of the Canterbury Agricultural College:

"The College" means the Canterbury Agricultural College established under this Act.

Canterbury
Agricultural College
established.

3. (1) There is hereby established a College in connection with the University of New Zealand to be called the Canterbury Agricultural College. 5

(2) The College shall consist of the Board of Governors of the College hereinafter constituted, the professors and lecturers of the College for the time being in office, the graduates and undergraduates of the University of New Zealand whose names are on the books of the College, and the holders of diplomas granted by the College. 10

(3) The said College shall be a body corporate, with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

(4) The College established under this Act is hereby declared to be the same College as that constituted a body corporate by section forty-five of the Canterbury College and the Canterbury Agricultural College Act, 1896, and the corporate identity of the College shall not be affected, notwithstanding any change in its constitution effected by this Act. 15

Canterbury
Agricultural College
deemed to be part
of Canterbury
University College
for certain purposes.

4. For the purpose of complying with the requirements of any Act, or of the University of New Zealand, with respect to the entry of the name of any person on the books of a University college, or the attendance of any student at a University college, or the doing of any work, or the keeping of terms, or with respect to any other matter relative to the grant of a degree by the Senate of the University of New Zealand, the Canterbury Agricultural College shall be deemed part of the Canterbury University College. 20 25

Minister of
Agriculture to be
Visitor of College.

5. The Minister of Agriculture shall be the Visitor of the College, and shall have all the powers and functions usually possessed by Visitors.

Board of Governors of the College.

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Constitution of
Board of Governors.

6. (1) There shall be a Board of Governors of the College, to be called the Board of Governors of the Canterbury Agricultural College.

(2) The Board shall consist of—

(a) Two members to be appointed by the Governor-General:

(b) Two members to be appointed by the Board of Governors of the Canterbury University College: 35

(c) Three members to be elected by such of the members of the Legislative Council as are for the time being resident in the Provincial District of Canterbury, together with such of the members of the House of Representatives as for the time being represent electoral districts within the said provincial district: 40

(d) Three members to be elected by the governing bodies of such of the societies incorporated under the Agricultural and Pastoral Societies Act, 1908, as have their principal offices within the Provincial District of Canterbury, one member each being elected for the North Canterbury, Mid-Canterbury, and South Canterbury portions of the said province, as such portions are hereinafter defined, by the governing bodies of the societies having their principal offices within the respective portions. 45 50

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(3) For the purposes of paragraph (c) of the *last preceding* subsection an electoral district which is partly within the Canterbury Provincial District and partly within another provincial district shall be deemed to be wholly within the provincial district in which the greater
 5 part of the total population of the electoral district resides. The certificate of the Government Statistician shall be conclusive as to the population of the electoral district and as to the respective proportions of the total number residing within the several provincial districts concerned.

10 (4) For the purposes of paragraph (d) of subsection *two* hereof the following are the areas comprised respectively within the North Canterbury, Mid-Canterbury, and South Canterbury portions of the Canterbury Provincial District:—

15 North Canterbury—That portion of the said provincial district east of the main railway-line and north of the Rakaia River, together with the Borough of Rangiora :

Mid-Canterbury—That portion of the said provincial district west of the main railway-line and north of the Rakaia River, together with that portion between the Rangitata River and
 20 the Rakaia River :

South Canterbury—That portion of the said provincial district south of the Rangitata River.

(5) The members of the Board in office at the coming into operation of this Act shall continue in office, and the current term of office
 25 of each member shall be computed from the actual date of its commencement.

7. (1) Subject to the following provisions of this section, the members of the Board shall hold office for a term of three years, but
 30 all members shall, unless disqualified as hereinafter provided, be entitled to continue in office until the appointment or election of their successors in office.

Term of office of members of Board.

(2) In the case of the members elected under paragraph (c) and under paragraph (d) of subsection *two* of section *six* hereof, one member, being the member who has then been longest in office, shall in each
 35 case retire each year.

(3) Save in respect of the filling of casual vacancies, members appointed or elected shall come into office on the first day of January following the date of their appointment or election hereunder, on which
 40 day their predecessors in office shall retire.

(4) The appointment of members of the Board pursuant to section *six* hereof shall be made not later than the *third* Monday in December in the year in which the appointment is due to be made.

(5) The election of members of the Board pursuant to section *six* hereof shall be held on the *first* Monday in December in each year.

45 (6) Every retiring member shall be eligible for reappointment or re-election.

8. No professor or lecturer of the College shall be eligible for office as a member of the Board.

Professor or lecturer not eligible for office.

9. The powers of the Board shall not be affected by any vacancy
 50 in the membership thereof.

Powers of Board not affected by vacancy.

10. (1) If any member of the Board—

(a) Dies ; or

Casual vacancies in Board.

- (b) Resigns his office by writing under his hand delivered to the Chairman of the Board ; or
- (c) Becomes bankrupt or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors ; or 5
- (d) Becomes of unsound mind ; or
- (e) Is convicted on indictment, or is sentenced by the Supreme Court on a plea of " Guilty " to any charge of an indictable offence, or is sentenced for any offence to imprisonment without the option of a fine by any Court ; or 10
- (f) Is absent without leave from three consecutive meetings of the Board,—

he shall thereupon cease to be a member, and the vacancy thereby created shall be deemed to be a casual vacancy.

(2) Every casual vacancy shall, within forty-two days after the occurring thereof, be filled in the same manner as in the case of the vacating member, and the member appointed or elected to fill any casual vacancy shall hold office only for the residue of the term of the vacating member. 15

Governor-General may appoint member in default of appointment or election by proper persons.

11. If at the times prescribed by this Act for the appointment or election of members no members or insufficient members are appointed or elected, or if a casual vacancy is not filled within the time hereinbefore prescribed, the Governor-General may himself appoint a suitable person in the place of the member who should have been appointed or elected. 20

Election of members.

12. (1) The Board shall from time to time appoint a returning officer for the purpose of conducting elections of members of the Board. 25

(2) The returning officer shall prepare four rolls, one for the class of electors under paragraph (c) of section *six* hereof, and one for each of the three classes of electors under paragraph (d) of that section, and shall enter in the respective rolls the name, address, and occupation or description of every person or body who possesses the necessary qualifications entitling him or it to be enrolled as an elector. 30

(3) All rolls shall be closed at five o'clock on the twenty-eighth day next before the day on which the election is to be held, and shall continue to be closed until the election is completed. 35

(4) No name shall be entered on any roll while such roll is closed.

(5) Claims for enrolment shall be made and disposed of in manner prescribed by by-law.

(6) At every election the votes shall be given by sealed voting-papers. 40

Meetings of Board.

13. (1) The Board shall meet at least once in each month at such time and place as it determines.

(2) The first meeting of the Board held in each year shall be the annual meeting, and at that meeting the Board shall elect one of its members to be the Chairman for the ensuing year. 45

(3) For the purposes of the election of the Chairman, a person (not being a member) appointed by the Minister of Agriculture shall preside at the meeting, and shall in the case of an equality of votes have a casting-vote but shall not have a deliberative vote. 50

Chairman of Board.

14. (1) The Chairman shall preside at every meeting of the Board at which he is present. In the absence of the Chairman from any meeting of the Board, the members present shall select one of their number to be the Chairman at that meeting.

(2) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting-vote. All questions before the Board shall be decided by a majority of the valid votes recorded thereon.

5 (3) At any meeting of the Board five members shall form a quorum.

15. The Chairman may at any time of his own motion call a special meeting of the Board, and shall call a special meeting on the requisition in writing of any three members. Not less than seven days' previous notice in writing of the place and time of any special meeting shall be given to all members of the Board.

Special meetings of Board.

16. (1) The Board may from time to time appoint standing or special committees, and may delegate any of the powers and duties of the Board to any such committee or to the Principal of the College appointed as hereinafter provided.

Board may appoint committees and delegate powers.

15 (2) The Principal of the College, or any committee to which any powers or duties are delegated as aforesaid, may, without confirmation by the Board, exercise or perform such powers or duties in like manner and with the same effect as the Board could itself have exercised or performed them.

20 17. The Board shall be the governing body of the College through which the corporation of the College shall act, and shall have the entire management of and superintendence over the affairs, concerns, and property of the College, and, subject to the provisions of this Act, shall in respect of all such matters have authority to act in such manner as appears to it best calculated to promote the interests of the College.

Board to be governing body of College.

25 18. The Board shall have full power to appoint and remove all professors, lecturers, examiners, officers, and servants of the College.

Appointment of professors, lecturers, &c.

30 19. The seal of the Board shall be in the custody of the Chairman, and shall not be affixed to any document except pursuant to a resolution of the Board.

Seal.

35 20. The Board shall, without reference to the Senate of the University of New Zealand or to the Board of Governors of the Canterbury University College, have power to grant diplomas in agricultural science, and may prescribe the fees to be paid in respect of any such diploma.

Power to grant diplomas.

21. Subject to the provisions of this Act, the Board may from time to time make by-laws for the purpose of regulating its procedure, the conduct of elections under this Act, and the general administration of the affairs of the College :

Board may make by-laws regulating its procedure and the affairs of the College.

40 Provided that such by-laws shall not come into force until and unless they have been approved by the Governor-General.

Principal of the College.

45 22. (1) The Board of Governors may from time to time appoint a member of the Professorial Board, or some other person, to be the Principal of the College.

Appointment of Principal.

(2) The Principal shall be the academic and administrative head of the College and the Chairman of the Professorial Board.

50 (3) The Principal shall have the right to attend all meetings of the Board of Governors and to speak to all motions thereat, but shall not be entitled to vote on any question.

(4) The Principal may at any time while the Board of Governors is not in session exercise the powers of the Board as to regulating the

admission of students and maintaining the discipline of the College, and in the exercise of such powers may, subject in all cases to a right of appeal to the Board, suspend any student guilty of any breach of discipline.

Professorial Board.

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Constitution of
Professorial Board.

23. There shall be a Professorial Board of the College, consisting of—

(a) All the professors in the service of the College whose appointment as such has been approved by the Senate of the University of New Zealand :

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(b) Such teachers of the College as the Board of Governors shall appoint to be members of the Professorial Board :

(c) Three persons, being members of the Professorial Board of the Canterbury University College, to be appointed by that Board.

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Chairman of
Professorial Board.

24. (1) The Chairman shall preside at every meeting of the Professorial Board at which he is present. In the absence of the Chairman from any meeting of that Board the members present shall select one of their number to be the Chairman at that meeting.

(2) At any meeting of the Professorial Board the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting-vote. All questions before that Board shall be decided by a majority of the valid votes recorded thereon.

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(3) At every meeting of the Professorial Board *five* members shall form a quorum.

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(4) Save as herein expressly provided, the Professorial Board shall have power to make rules as to the time and place of its meetings and the procedure thereat.

Functions of
Professorial Board.

25. The Professorial Board shall be subject to the control of the Board of Governors, and shall have power of its own motion, or at the request of the Board of Governors, to make recommendations to that Board in any matter affecting the College, and, in particular, may make recommendations with respect to—

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(a) The courses of study at the College and the times of lectures :

(b) Rules as to the attendance of students :

(c) The subjects of examination for diplomas, scholarships, exhibitions, prizes, and other College distinctions and awards.

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Financial Provisions.

Application of
income of College.

26. (1) Subject to the provisions of this Act and to the terms of any trust or endowment, the annual income of all real and personal property from time to time vested in or belonging to or enjoyed by the College shall be applied in such manner as the Board thinks fit towards all or any of the following purposes :—

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(a) The maintenance of the College, and the payment of salaries and expenses connected therewith, and of prizes, exhibitions, scholarships, and other rewards for the students therein :

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(b) The carrying on of such experimental or other farming operations as are deemed expedient in order efficiently to instruct the students of the College :

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(c) The acquisition by purchase, lease, or otherwise, on such terms as it determines, of all such land, implements, stock, and materials as are deemed necessary for the purposes of such farming operations as aforesaid :

5 (d) The carrying-out of research work either on its own initiative or on behalf of the New Zealand Government or any person or body of persons :

10 (e) Generally in doing whatever the Board thinks expedient in order that the College may best accomplish the purpose for which it is established.

(2) Notwithstanding anything in the *last preceding* subsection, the Board may from time to time set apart such portion of the annual income as it thinks fit, and may either add such portion to the capital fund or set it aside as a reserve fund to meet extraordinary expenses and in the meantime to accumulate at interest.

27. Subject to the terms of any trust or endowment, any moneys belonging to the College and available for investment may be invested in accordance with the provisions of the Trustee Act, 1908, as to the investment of trust funds.

Investment of moneys.

28. The members of the Board, other than officers in the service of the Government, shall be paid such travelling-allowances as may be fixed by the Board with the approval of the Minister of Finance ; and shall in addition be entitled to receive a refund of all moneys reasonably expended by them for railway, steamship, or other passenger fare in respect of their attendance at meetings of the Board or otherwise in transacting the business of the Board.

Payment of travelling-expenses of members of Board.

29. The Board may in any year expend out of its general fund for purposes not authorised by any law for the time being in force any sum or sums not exceeding in the aggregate *one* hundred pounds.

Unauthorized expenditure of Board.

30. There shall be payable by the students of the College such fees as the Board from time to time prescribes.

Board to prescribe fees.

31. (1) For the purposes of this section the expression " voluntary contribution " includes any devise, bequest, or gift of money, land, or other property without consideration in money or money's worth.

Subsidies payable out of Consolidated Fund on voluntary contributions to College.

35 (2) In respect of all voluntary contributions received by the College after the twenty-ninth day of July, nineteen hundred and twenty-seven (being the date of the passing of the Canterbury College and the Canterbury Agricultural College Amendment Act, 1927), from any local authority or any person (not being an Education Board or the governing body of a secondary school or a technical high school), and available for such purposes as may be defined by regulations, subsidies shall, without further appropriation than this Act, be payable out of the Consolidated Fund as follows :—

45 (a) A subsidy at the rate of *one* pound for every *one* pound of voluntary contributions which is available for and used solely as a capital endowment from which the income is available for the purposes of the College :

(b) A subsidy at the rate of *ten* shillings for every *one* pound of any other voluntary contributions :

50 Provided that the total amount of subsidy payable in respect of any voluntary contribution received by the College shall not exceed the sum of *twenty-five* thousand pounds.

(3) For the purposes of this section the Minister of Agriculture shall be the sole judge of the value of any land or other property and of its suitability for the purpose for which it is given; and no subsidy shall be given unless the said Minister is satisfied that such land or other property is suitable for such purpose. 5

(4) Unless the Minister of Finance approves, subsidy with respect to any particular contribution shall not be payable in any financial year to an amount exceeding *ten* thousand pounds, and in the case of any voluntary contribution the value of which exceeds that sum the balance of subsidy shall be paid in such instalments as the Minister of Finance shall determine, but so that the whole subsidy payable shall be paid within not more than *five* years from the date of the receipt of the contribution. 10

(5) All subsidies paid pursuant to this section shall be held wholly and without deduction as a capital endowment of the College. 15 Any moneys for the time being comprised in any such capital endowment may be invested from time to time in any securities in which trust funds may be invested pursuant to the Trustee Act, 1908, and the income derived therefrom shall be available for such of the purposes of the College as the Minister of Agriculture may approve. 20

(6) The Governor-General may from time to time, by Order in Council, make such regulations as may be required for the purposes of this section.

Provision for payment of balance of grant of £12,000 out of Education Loans Account.

32. There may be paid out of the Education Loans Account established under the Education Purposes Loans Act, 1919, to be applied in accordance with the approval of the Minister of Agriculture towards the erection, structural alteration, improvement, and equipment of buildings required for the purposes of the College, an amount not exceeding the amount by which twelve thousand pounds exceeds the sum of all moneys so paid under the authority of section six of the Canterbury College and the Canterbury Agricultural College Amendment Act, 1927, as amended by section fifty-six of the Finance Act, 1929. 25 30

Annual appropriation for purposes of College.

33. The Minister of Finance shall in every financial year, out of moneys in the Consolidated Fund appropriated by Parliament for the purpose, pay to the Board the sum of three thousand seven hundred pounds, to be applied for such purposes of research as the Minister of Agriculture may approve after consultation with the Council of Scientific and Industrial Research. 35

Power to borrow by way of overdraft or temporary loan.

34. It shall be lawful for the Board, in anticipation of its revenue, from time to time to borrow by way of overdraft or on temporary loan moneys not exceeding in any one year one-half of the amount of the income of the Board during the preceding year, nor exceeding the amount of the income of the Board derived from reserves and endowments during such preceding year: 40

Provided that any moneys borrowed under this section in any year and not repaid at or before the end of that year shall, for the purpose of fixing the amount that may be borrowed during the next succeeding year, be deemed to have been borrowed during such next succeeding year. 45

Disposal of Land.

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Board declared to be a leasing authority.

35. (1) The Board may grant leases of the lands of the College, and for that purpose is hereby declared to be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908.

(2) Save as authorized by the *last preceding* subsection, the Board may not, without the previous consent of the Governor-General, sell, mortgage, or otherwise alienate such lands.

5 36. Notwithstanding anything to the contrary in the Public Bodies' Leases Act, 1908, or in any lease granted by the Board, the Board may in its absolute discretion, at any time not earlier than three years nor later than one year before the expiration of any lease that does not confer a right of renewal, grant a renewal of such lease upon such terms as it thinks fit. The provisions of this section shall apply to any lease
10 whether granted before or after the commencement of this Act.

Renewal of leases may be granted in certain cases.

Annual Report and Statement of Accounts.

37. The Board shall during the month of April in every year furnish to the Minister of Agriculture a report on the progress of the College during the preceding year. Such report shall contain a state-
15 ment, in such form as the Governor-General directs, of the total assets and liabilities as at the end of the year, together with an account of receipts and payments and of income and expenditure showing the financial transactions for the year; and a copy of such report and of such accounts, duly audited by the Audit Office, shall be laid before
20 Parliament.

Annual report and statement of accounts.

Repeals and Savings.

38. (1) The enactments mentioned in the Schedule hereto are hereby repealed.

Repeals and savings.

(2) All Orders in Council, regulations, by-laws, rules, appointments,
25 applications, rolls, notices, diplomas, scholarships, exhibitions, leases, and generally all acts of authority which originated under any of the enactments hereby repealed and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding
30 provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under any such enactment and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under this Act.

SCHEDULE.

Schedule.

- 1896, No. 46.—The Canterbury College and the Canterbury Agricultural College Act, 1896: Sections 2, 45, 46, 47, 49 to 54.
- 1905, No. 27.—The Canterbury Agricultural College Reserves Act, 1905.
- 1910, No. 5 (Local).—The Canterbury College and Canterbury Agricultural College Amendment Act, 1910: Sections 3 and 4.
- 1927, No. 3.—The Canterbury College and the Canterbury Agricultural College Amendment Act, 1927.
- 1928, No. 34.—The Canterbury College and the Canterbury Agricultural College Amendment Act, 1928: Subsection (2) of section 2.
- 1929, No. 29.—The Finance Act, 1929: Section 56.