

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.

9th December, 1933.

Right Hon. Mr. Forbes.

CANTERBURY UNIVERSITY COLLEGE.

ANALYSIS.

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A BILL INTITULED

Title.	AN ACT to consolidate and amend certain Enactments relating to the Canterbury University College.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—	5
Short Title and commencement.	1. This Act may be cited as the Canterbury University College Act, 1933, and shall come into force on the <i>first</i> day of <i>January</i> , nineteen hundred and <i>thirty-four</i> .	
Interpretation.	2. In this Act, unless the context otherwise requires,—	10
	“ The College ” means the Canterbury University College established under this Act :	
	“ The Council ” means the Canterbury University College Council :	
	“ The Professorial Board ” means the Professorial Board of the College :	15
	“ The Rector ” means the person for the time being holding office as Rector of the College :	
	The terms “ public school ”, “ secondary school ”, “ technical high school ”, “ combined school ”, “ education district ”, and “ school district ” have the same meanings respectively as in the Education Act, 1914.	20
See Reprint of Statutes, Vol. II, p. 1007 Constitution of College.	3. (1) There is hereby established in the City of Christchurch a college of the University of New Zealand, to be called the Canterbury University College.	25
	(2) The College shall consist of the Council, the professors and lecturers of the College for the time being in office, and the graduates and undergraduates of the University of New Zealand whose names are for the time being on the books of the College.	30
	(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.	35
	(4) The College established under this Act is hereby declared to be the same College as that constituted a body corporate by the name of “ The Canterbury College ” under the Canterbury College Ordinance, 1873, and continued under 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 name or constitution effected by this Act.	40

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

Visitor of
College.
1896, No. 46,
s. 42

The Council.

5 5. (1) There shall be a Council of the College, to be called the Canterbury University College Council.

Constitution of
Council.

(2) The Council shall consist of—

Ibid., ss. 3, 5
1922, No. 8

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

(Local), ss. 2, 3,
5, 6

10 (b) Three members to be elected by such of the members of the Legislative Council as are for the time being resident in the Canterbury University District constituted under the New Zealand University Act, 1908, together with
15 such of the members of the House of Representatives as for the time being represent electoral districts within the said University district :

See Reprint
of Statutes,
Vol. II, p. 1128

20 (c) Three members to be elected by such of the teachers whose names are registered in the Teachers' Register kept by the Director of Education as are for the time being employed in public schools, secondary schools, technical high schools, combined schools, or schools under the control of the
25 Department of Education, situated in education districts wholly or partly within the Canterbury University District :

30 (d) Three members to be elected by the members of the School Committees for the time being in office for school districts wholly or partly within the Canterbury University District :

(e) Six members to be elected by the District Court of Convocation of the Canterbury University District :

35 (f) One member, being a member of the Professorial Board, or if there is no Rector in office two such members, to be appointed by the Professorial Board :

(g) The Rector.

40 (3) For the purposes of paragraph (b) of the *last preceding* subsection an electoral district which is partly within the Canterbury University District and partly within another University district shall be deemed to be

wholly within the University district in which the greater part of the total population of the electoral district resides. For the purposes of this subsection the certificate of the Government Statistician as to the population of the electoral district and the proportion of that population residing within each University district shall be conclusive evidence thereof. 5

(4) Whenever the office of Rector becomes vacant and the Council decides not to make any appointment thereto and notifies the Professorial Board of such decision, the vacancy thus caused in the Council shall be deemed to be a casual vacancy, and shall be filled by a member of the Professorial Board to be appointed by the Professorial Board, who shall hold office until the expiry of the term of office of the other member appointed by the Professorial Board, or until the appointment of a Rector, whichever happens first. 10 15

(5) Whenever a Rector is appointed while there are two other persons in office as members of the Council appointed by the Professorial Board, one of such members, to be determined by lot where neither of them was appointed under the *last preceding* subsection, shall retire from membership of the Council on the first day of the month next following the date of the appointment of the Rector, and the Rector shall take office as a member of the Council on that day. 20 25

(6) The members of the Board of Governors of the College in office on the coming into operation of this Act shall continue in office as members of the Council and the current term of office of each member shall be computed from the actual date of its commencement. 30

6. (1) Subject to the provisions of this Act, the members of the Council, other than the Rector, shall hold office for a term of three years, but all members shall, unless disqualified as hereinafter provided, be entitled to continue in office until the appointment or election of their successors in office. 35

(2) In every year one of the members appointed or elected under each of the paragraphs (a), (b), (c), and (d) of subsection *two* of the *last preceding* section, and two of the members elected under paragraph (e) thereof, shall retire from office. In every third year, commencing in the year nineteen hundred and *thirty-six*, the member or members appointed under paragraph (f) of the said subsection shall retire from office. 40 45

Term of office
of members of
Council.

1896, No. 46,
ss. 6, 7
1922, No. 8
(Local), s. 7

(3) Except in the case of appointments or elections to fill casual vacancies, members appointed or elected shall come into office on the first day of July next following the date of their appointment or election here-
5 under, on which day their predecessors in office shall retire.

(4) The appointment of members of the Council to replace members due to retire in any year shall be made not later than the third Monday in June in such
10 year.

(5) The election of members of the Council to replace members due to retire in any year shall be held on the first Monday in June in such year.

(6) Every retiring member shall be eligible for re-
15 appointment or re-election.

7. (1) No person in the employment of the Council shall be eligible for office as a member of the Council unless he is the Rector or a member appointed by the Professorial Board.

Employees of Council as members.
1896, No. 46, s. 8
1922, No. 8
(Local), s. 8

20 (2) A member of the Council who is in its employment shall not be entitled to vote on any question before the Council affecting himself, or directly affecting the salary of any member of the teaching staff of the College, or directly affecting any payment made by or
25 due from the Council to any member of the teaching staff.

8. The powers of the Council shall not be affected by any vacancy in the membership thereof.

Powers of Council not affected by vacancy.

9. (1) If any member of the Council—

- 30 (a) Dies ; or
(b) Resigns his office by writing under his hand delivered to the Chairman of the Council ; or
(c) Becomes bankrupt or makes any composition with his creditors for less than twenty shillings
35 in the pound, or makes an assignment of his estate for the benefit of his creditors ; or
(d) Becomes of unsound mind ; or
(e) Is convicted on indictment, or is sentenced by
40 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
(f) Is absent without leave from *three* consecutive meetings of the Council ; or

1896, No. 46, s. 20
Casual vacancies in Council.
Ibid., ss. 9, 10, 11 (3)
1910, No. 5
(Local), s. 2
1922, No. 8
(Local), s. 9

(g) Being a member appointed by the Professorial Board, ceases to be a member of the Professorial Board; or

(h) Being the Rector, ceases to hold the office of Rector,—

he shall thereupon cease to be a member, and the vacancy thereby created shall be deemed to be a casual vacancy. 5

(2) Subject to the provisions relating to a vacancy in the office of Rector, 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. 10

Governor-General may appoint member in default of appointment or election by proper persons. Cf. 1896, No. 46, s. 11 (1), (2)

10. 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 appoint a suitable person in the place of the member who should have been appointed. 15 20

Election of members. Ibid., ss. 12, 13 1928, No. 34, s. 3

11. (1) The Registrar of the College, or such other person as the Council appoints, shall be the Returning Officer for the purpose of conducting elections of members of the Council.

(2) The Returning Officer shall prepare a separate roll for each class of electors, and shall enter in the respective rolls the name, address, and description of every person who possesses the necessary qualifications entitling him to be enrolled as an elector: 25

Provided that no person's name shall be entered in more than one roll: 30

Provided further that any person who possesses more than one qualification and whose name has been entered by the Returning Officer in a roll may at any time while the rolls are open have his name transferred to any other roll of electors for enrolment in which he has the necessary qualification. 35

(3) For the purpose of preparing the roll of electors under paragraph (c) of subsection *two* of section *five* hereof a certificate of the Secretary of any Education Board, or of the Secretary of the governing body of any school, or of the Director of Education, to the effect 40

that any persons are all the teachers of the description specified in the said paragraph who are employed in schools under the control of such Board, or of such governing body, or of the Department of Education, as the case
5 may be, shall be sufficient evidence of that fact, until the contrary is proved.

(4) All rolls shall be closed at five o'clock in the afternoon of the *twenty-eighth* day next before the day on which the election is to be held, and shall continue
10 to be closed until the election is completed.

(5) No name shall be entered in any roll while such roll is closed.

(6) Claims for enrolment or transfer shall be made and disposed of in manner prescribed by by-laws made
15 under the authority of this Act.

(7) At every election the votes shall be given by sealed voting-papers, or otherwise as prescribed by such by-laws.

(8) In the case of an equality of votes the election shall be determined by lot by the Returning Officer in
20 the presence of the Chairman or some other member of the Council.

12. The Council shall meet at least once in each month at such time and place as it determines :

Provided that if the Council so decides there shall
25 be no meeting in the month of January in any year.

13. (1) At its first meeting held in the month of July in each year the Council shall elect one of its members to be the Chairman for the ensuing year. The retiring Chairman shall be eligible for re-election.

(2) For the purposes of the election of the Chairman the Registrar of the College shall preside at the meeting, but shall not be entitled to vote. In the case of an equality of votes the election shall be determined by lot.
30

(3) The Council may from time to time appoint
35 one of its members to be the Deputy Chairman of the Council. During any vacancy in the office of Chairman, or in the absence of the Chairman from the Canterbury Provincial District, or while he is incapacitated by sickness or otherwise, the Deputy Chairman shall have
40 and may exercise and perform all the powers and duties of the Chairman.

(4) The Chairman shall preside at every meeting of the Council at which he is present. In the absence of

Meetings of Council.

1896, No. 46, s. 14

Chairman and Deputy Chairman of Council.

Ibid., ss. 15, 18 (2), (3), (4) 1908, No. 13 (Local), s. 8 1925, No. 28, s. 2

the Chairman and the Deputy Chairman from any meeting of the Council the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(5) At any meeting of the Council 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 Council shall be decided by a majority of the valid votes recorded thereon. 5

Quorum.
1896, No. 46,
s. 18 (1)

14. At any meeting of the Council seven members shall form a quorum, and no business shall be transacted unless a quorum is present. 10

Special meetings
of Council.
Ibid., s. 17

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

Council may
appoint
committees and
delegate powers.

16. (1) The Council may from time to time appoint standing or special committees, and may delegate any of the powers and duties of the Council to any such committee. 20

(2) Any committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Council, exercise or perform such powers or duties in like manner and with the same effect as the Council could itself have exercised or performed them. 25

Council to be
governing body
of College.

17. The Council 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 to be best calculated to promote the interests of the College or of any other institution controlled by the Council. 30

Appointment of
professors,
lecturers, &c.
Ibid., s. 26

18. Subject to the provisions of section three of the New Zealand University Amendment Act, 1928 (relating to the establishment of new Chairs), the Council shall have full power to appoint and remove all professors, lecturers, teachers, examiners, officers, and servants of the College or of any other institution controlled by the Council. 40

See Reprint
of Statutes,
Vol. II, p. 1152

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

Seal.
1896, No. 46,
s. 22

5 20. Subject to the provisions of this Act, the Council may from time to time make such by-laws as may be considered necessary for the administration of the affairs of the College, including in particular (without limiting the generality of the foregoing provision) by-laws pre-
10 scribing any matters which by this Act are required or permitted to be prescribed, or with respect to which by-laws are necessary or convenient for giving effect to this Act :

Council may
make by-laws.
Ibid., s. 19

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

The Rector.

21. (1) The Council may from time to time appoint a member of the Professorial Board to be the Rector
20 of the College. Every person so appointed shall hold office during the pleasure of the Council, and shall by virtue of his office be a member of the Council and the Chairman of the Professorial Board.

Appointment of
Rector.
1908, No. 13
(Local), s. 9

25 (2) The Council may from time to time define the duties of the Rector.

(3) The Rector may, during the intervals between meetings of the Professorial Board, exercise alone (but subject always to the control of the Council and to a right of appeal to the Professorial Board) such of the
30 powers of the Professorial Board as to maintaining the discipline of the College as may be prescribed in that behalf by by-laws made under the authority of this Act.

The Professorial Board.

22. There shall be a Professorial Board of the College,
35 consisting of all the professors of the College for the time being and of such lecturers of the College for the time being as the Council may from time to time appoint to be members of the Professorial Board.

Constitution of
Professorial
Board.
1925, No. 28, s. 3

40 23. (1) Whenever there is no Rector in office, the Professorial Board shall, at its first meeting held after such office becomes vacant, and at its annual meeting each year, elect one of its members, being a professor, to be the Chairman ; and if it fails to do so the Council may appoint a professor to be the Chairman.

Chairman of
Professorial
Board when no
Rector in office.
1896, No. 46,
ss. 29, 30

(2) The Chairman, not being the Rector, shall hold office until the appointment of a Rector, or until the election or appointment of his successor under this section, whichever happens first, and shall be eligible for re-election or reappointment, but shall not hold office for more than *two* terms of office in succession. 5

Deputy
Chairman.

24. The Professorial Board may from time to time appoint one of its members, being a professor, to be the Deputy Chairman of the Board. During any vacancy in the office of Chairman, or in the absence of the Chairman from the Canterbury Provincial District, or while he is incapacitated by sickness or otherwise, the Deputy Chairman shall have and may exercise and perform all the powers and duties of the Chairman. 10

Meetings of
Professorial
Board.
1896, No. 46,
ss. 28, 31

25. (1) The Chairman shall preside at every meeting of the Professorial Board at which he is present. In the absence of the Chairman and the Deputy Chairman from any meeting of the Board the members present shall select one of their number to be the Chairman for the purposes of that meeting. 15 20

(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 the Board shall be decided by a majority of the valid votes recorded thereon. 25

(3) At every meeting of the Professorial Board a quorum shall consist of such number of members as the Board with the consent of the Council from time to time determines, and no business shall be transacted unless a quorum is present. 30

(4) Save as expressly provided herein, 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.
Ibid., ss. 32, 33,
34, 35

26. (1) The Professorial Board shall be subject to the control of the Council, and shall have power of its own motion, or at the request of the Council, to make recommendations or reports to the Council in any matter affecting the College, and, in particular, may make recommendations or reports with respect to— 35

- (a) The courses of study at the College and the times of lectures : 40
- (b) Rules as to the attendance of students :
- (c) The subjects of examination for scholarships, exhibitions, prizes, and other College distinctions and awards. 45

(2) The Professorial Board shall have power to manage the College library, and also to deal with all matters relating to the maintenance of discipline amongst the students of the College, and shall have such powers of
 5 fining, suspending, and expelling students guilty of breaches of discipline, and such other powers of whatsoever kind, as may be conferred on it by by-laws made under the authority of this Act :

10 Provided that any person aggrieved by any action of the Professorial Board may appeal to the Council, whose decision shall be final.

Financial Provisions.

27. All benefactions at any time vested in or enjoyed by the College with a declaration of trust, or as an endow-
 15 ment for the promotion of any particular branch of science or learning, shall be strictly applied by the Council accordingly.

Benefactions to be strictly applied. 1896, No. 46, s. 23

28. (1) Subject to the provisions of this Act and to the terms of any trust or endowment, the annual income of
 20 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 Council thinks fit towards all or any of the following purposes :—

Application of income of College. Ibid., s. 24

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

30 (b) Generally in doing whatever the Council thinks expedient in order that the College may best accomplish the purpose for which it is established.

(2) Notwithstanding anything in the *last preceding*
 35 subsection, the Council 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.

40 29. 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, or in such other manner as the Govern-
 45 General from time to time approves.

Investment of moneys. Ibid., s. 25 See Reprint of Statutes, Vol. VIII, p. 908

Travelling-
expenses of
members of
Council.

1908, No. 13
(Local), s. 7

30. The Council may, out of the general fund of the College, pay and reimburse to members of the Council the reasonable travelling-expenses incurred by them in respect of their attendance at meetings of the Council or of any committee of the Council or otherwise in transacting the business of the Council. 5

Unauthorized
expenditure of
Council.

1925, No. 51, s. 42

31. The Council may in any year expend out of the general fund of the College for purposes not authorized by any law for the time being in force any sum or sums not exceeding in the aggregate *one hundred* pounds. 10

Council to
prescribe fees.
1896, No. 46,
s. 36

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

Purchase and Disposal of Land.

Council may
purchase land
with sanction
of Governor-
General.

1908, No. 13
(Local), s. 4

33. The Council may from time to time, with the sanction of the Governor-General, purchase or otherwise acquire on behalf of the College and for the purposes of the College or of any other institution controlled by the Council any piece or parcel of land. 15

Council declared
to be a leasing
authority.

1896, No. 46,
ss. 37, 38

See Reprint
of Statutes,
Vol. IV, p. 1031

34. (1) The Council 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. 20

(2) Save as authorized by the *last preceding* subsection, the Council shall not, without the previous consent of the Governor-General, sell, mortgage, or otherwise alienate such lands or any part thereof. 25

Renewal of
leases may be
granted in
certain cases.
1928, No. 34,
s. 2

35. Notwithstanding anything to the contrary in the Public Bodies' Leases Act, 1908, or in any lease granted by the Council, the Council 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 whether granted before or after the commencement of this Act. 35

Repeals and
savings.

Repeals and Savings.

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

(2) All Orders in Council, by-laws, rules, appointments, applications, rolls, notices, diplomas, scholarships, 40

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 commencement of this Act shall enure for the purposes of this Act 5 as fully and effectually as if they had originated under the corresponding 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 commencement of this Act may be continued, completed, and 10 enforced under this Act.

(4) All references in any Act in force on the commencement of this Act to the Canterbury College or to the Board of Governors of the Canterbury College shall 15 hereafter be read as references to the Canterbury University College or to the Canterbury University College Council, as the case may be.

(5) Section forty-two of the Finance Act, 1925, is hereby amended by omitting from subsection two the 20 words "the Board of Governors of Canterbury College".

See Reprint
of Statutes,
Vol. II, p. 1126

SCHEDULE.

Schedule.

ENACTMENTS REPEALED.

- 1896, No. 46.—The Canterbury College and the Canterbury Agricultural College Act, 1896.
1898, No. 36.—The Canterbury College Powers Act, 1898.
1900, No. 4 (Local).—The Canterbury College Empowering Act, 1900.
1901, No. 7 (Local).—The Canterbury College Empowering Act 1900 Amendment Act, 1901.
1903, No. 1 (Local).—The Canterbury College Powers Act 1898 Amendment Act, 1903.
1905, No. 33 (Local).—The Canterbury College Empowering Act, 1905.
1907, No. 52.—The Canterbury College Endowment Act, 1907.
1908, No. 13 (Local).—The Canterbury College Empowering Act, 1908.
1910, No. 5 (Local).—The Canterbury College and Canterbury Agricultural College Amendment Act, 1910.
1913, No. 67.—The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1913, section 111.
1922, No. 8 (Local).—The Canterbury College and Canterbury Agricultural College Amendment Act, 1922.
1924, No. 55.—The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1924, section 166.
1925, No. 28.—The Canterbury College and the Canterbury Agricultural College Amendment Act, 1925.
1928, No. 34.—The Canterbury College and the Canterbury Agricultural College Amendment Act, 1928.