

Hon. Mr. Wright.

NEW ZEALAND AGRICULTURAL COLLEGE.

ANALYSIS.

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A BILL INTITULED

AN ACT to make Further Provision for Higher Education and Research in Agriculture and Applied Science in New Zealand. Title.

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 New Zealand Agricultural College Act, 1926, and shall come into force on the first day of January, nineteen hundred and twenty-seven. Short Title and commencement.
- 2. In this Act, unless the context otherwise requires,— Interpretation.
  - “The college” or “the College of Agriculture” means the New Zealand College of Agriculture established under this Act;
  - “The Council” means the Council of the college;
  - “The Board” means the Professorial Board of the college.

*The College.*

3. (1.) There is hereby established a college in connection with the University of New Zealand to be called the New Zealand College of Agriculture. Constitution and incorporation of College of Agriculture.

(2.) The College shall consist of the Council 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. 5

(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.

*The Council of the College.*

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Constitution of  
College Council.

4. (1.) There shall be a Council of the college to be called the New Zealand Agricultural College Council.

(2.) The Council shall be constituted as follows:—

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

(b.) Two members to be appointed by resolution of the Council of the Auckland University College established under the Auckland University College Act, 1882: 15

(c.) Two members to be appointed by resolution of the Council of the Victoria University College established under the Victoria College Act, 1905: 20

(d.) One member to be appointed by resolution of the Board of Agriculture established under the Board of Agriculture Act, 1913.

(3.) Subject to the following provisions of this section, the members appointed under paragraph (a) of the *last preceding* subsection shall hold office for a term of four years, and the members appointed under paragraphs (b), (c), and (d) thereof shall hold office for a term of three years, but all such members shall, unless disqualified as hereinafter provided, be entitled to continue in office until the appointment of their successors in office. 25 30

(4.) On the first day of January, nineteen hundred and twenty-nine, and on the same day in every second year thereafter, two of the members appointed under paragraph (a) of subsection *one* hereof shall retire from office. The members so to retire on the first day of January, nineteen hundred and twenty-nine, shall, on or before the first day of November, nineteen hundred and twenty-eight, be determined by lot. 35

(5.) On the first day of January, nineteen hundred and thirty, and on the same day in every third year thereafter, the members elected under paragraphs (b), (c), and (d) of subsection *one* hereof, shall retire from office. 40

When Council  
deemed to be  
constituted.

5. (1.) The Council shall be deemed to be constituted on a day to be fixed in that behalf by the Governor-General in Council.

(2.) The powers of the Council shall not be affected by any vacancy in the membership thereof. 45

Casual vacancies in  
Council.

6. (1.) If any member of the Council—

(a.) Dies; or

(b.) Resigns his office by writing under his hand delivered to the Chairman of the college; or

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(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 two consecutive meetings of the Council,—

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 be filled in the same manner as in the case of the vacating member, and the member appointed to fill any casual vacancy shall hold office only for the residue of the term of the vacating member.

(3.) The appointment of a member to fill a casual vacancy shall be made not later than sixty days after the vacancy occurs.

20 (4.) If any vacancy is not filled within sixty days after the vacancy occurs, the Governor-General shall forthwith appoint a suitable person to fill such vacancy.

7. (1.) The first meeting of the Council shall be held at a time and place to be fixed in that behalf by the Governor-General in 25 Council.

(2.) Thereafter the Council shall meet at least once in every two months, at such time and place as the Council determines.

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

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

35 (2.) 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 votes.

40 (3.) At any meeting of the Council *five* members shall form a quorum.

9. 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 two members. Not less than five days' previous notice in writing of the place and time of any special 45 meeting shall be given to all members of the Council.

10. (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 or to the Principal of the college appointed as hereinafter provided.

50 (2.) The Principal of the college, or any committee to which any powers or duties are delegated as aforesaid, may, without confirmation by the Council, exercise or perform the same in like manner

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Meeting of Council

Meetings of Council.

Chairman of Council.

Special meetings of Council.

Council may appoint Committees and delegate powers.

and with the same effect as the Council could itself have exercised or performed them.

Seal.

11. The seal of the college shall be in the custody of the Chairman, and shall not be affixed to any document except pursuant to a resolution of the Council. 5

Council may make by-laws regulating its procedure and the affairs of the college.

12. Subject to the provisions of this Act, the Council may from time to time make by-laws for the purpose of regulating its procedure and the general administration of the affairs of the college.

*Principal of the College.*

Appointment of Principal.

13. (1.) The Council may from time to time appoint a member of the Professorial Board, or some other person, to be the Principal of the college. Every person so appointed shall hold office during the pleasure of the Council. 10

(2.) The Principal shall be the academic and administrative head of the college and the Chairman of the Professorial Board. 15

(3.) The Principal shall have the right to attend all meetings of the Council 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 Council is not in session exercise the powers of the Council 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 Council, suspend any student guilty of any breach of discipline. 20

*Professorial Board.*

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Constitution of Professorial Board.

14. There shall be a Professorial Board of the college, consisting of all the professors in the service of the college whose appointment as such has been approved by the Council of the New Zealand University, and of such teachers as the Council shall appoint to be members of the Board. 30

Chairman of Board.

15. (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 of 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 votes. 35

(3.) At every meeting of the Board *five* members shall form a quorum. 40

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

Functions of the Professorial Board.

16. The 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 to the Council in any matter affecting the college, and, in particular, may make recommendations with respect to— 45

(a.) The courses of study at the college and the times of lectures: 50

(b.) Rules as to the attendance of students:

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

**Financial Provisions**

17. The Council of the Auckland University College is hereby authorized to transfer absolutely to the Council of the College of Agriculture the whole of the moneys received by it from the estate of the late Sir John Logan Campbell, together with moneys received from the Consolidated Fund by way of subsidy thereon, and all accumulated interest, and all other funds held on account of that college for the purpose of higher education in agriculture, and such moneys shall be held by the Council in trust to endow a Chair in some branch of agriculture to be known as the Logan Campbell Chair.

Auckland University Council may endow the Logan Campbell Chair.

18. The Council of the Victoria University College is hereby authorized to transfer absolutely to the Council of the College of Agriculture the whole of the moneys received from the late Sir Walter Buchanan, together with moneys received from the Consolidated Fund by way of subsidy thereon; and all accumulated interest, and all other funds held on account of that college for the purpose of higher education in agriculture, and such moneys shall be held by the Council in trust to endow a Chair in some branch of agriculture to be known as the Buchanan Chair.

Victoria College Council may endow the Buchanan Chair.

19. Notwithstanding anything to the contrary in the New Zealand University Act, 1908, holders of University scholarships, Taranaki scholarships, and University bursaries may hold such scholarships or bursaries at the College of Agriculture, and the Minister of Finance shall in each year, without further appropriation than this Act, pay to the Council out of the Consolidated Fund the amounts from time to time payable to the holders of any scholarships and bursaries.

University Scholarships may be held at college.

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

Fees.

21. (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.

(2.) In respect of all voluntary contributions received by the Council from any local authority or any person (not being an Education Board or 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:—

(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.

(3.) For the purposes of this section the Minister of Education 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.

(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.

(5.) All subsidies paid pursuant to this section shall be held wholly and without deduction as a capital endowment of the college. 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 Education may approve.

(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.

22. The Minister of Finance shall, in every financial year, pay out of the Consolidated Fund, without further appropriation than this Act, the sum of fifteen thousand pounds as a fund for maintaining the college.

Annual appropriation from Consolidated Fund.

Annual Report and Statement of Accounts.

23. The Council shall, during the month of April in every year, furnish to the Minister a report on the progress of the college during the preceding year. Such report shall contain a statement, 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 Parliament.

Annual report and statement of accounts.