

Rt. Hon. R. J. Seddon.

VICTORIA COLLEGE.

ANALYSIS.

1. Short Title.	<i>The College.</i>	27. Term of office of Chairman.
2. Victoria College.	<i>The Corporation.</i>	28. Proceedings at meetings.
3. Constitution of corporation.	<i>The Council.</i>	29. Board to fix course of study.
4. Council.		30. Board to deal with discipline and control servants.
5. Members of Council.		31. Board to furnish reports.
6. Election of members.		32. Board may make suggestions.
7. Term of office. Retirement.		<i>Lecture Fees.</i>
8. When member to be selected and take office.		33. Fees payable by students.
9. Casual vacancies.		34. Governor to approve of same.
10. When casual vacancies to be filled.		<i>Queen's Scholarships.</i>
11. Vacancy to be reported to Minister.		53. Queen's Scholarships.
12. Vacancy of elected or appointed member.		<i>Appropriation and Endowment.</i>
13. Mode of voting.		36. Amount to be paid out of Consolidated Fund for maintenance.
14. Meetings of Council.		37. Endowment for College.
15. Election of Chairman.		38. Appropriation of rents and proceeds thereof.
16. Chairman's term of office.		39. College site.
17. Special meetings.		40. Council may lease other lands.
18. Proceedings at meetings.		<i>Accounts and Audit.</i>
19. Council may make by-laws.		41. Audit Office to be Auditor.
20. Vacancy not to affect meetings.		42. Annual statement of accounts.
21. Minutes and accounts.		43. Statement and report to be laid before General Assembly.
22. Seal.		<i>General.</i>
23. Power to appoint professors, officers, &c.		44. Minister of Education to be Visitor.
<i>The Professorial Board.</i>		45. Regulations for purposes of Act.
24. Professorial Board.		46. Repeal.
25. Meetings of Board.		Schedules.
26. Election of Chairman.		

A BILL INTITULED

AN ACT to consolidate certain Enactments of the General Assembly relating to Victoria College. Title.

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

1. The Short Title of this Act is "The Victoria College Act, 1905." Short Title.

The College.

2. There is hereby established in the City of Wellington a college connected with the New Zealand University, to be called "The Victoria College." Victoria College

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*The Corporation.*Constitution of
corporation.

3. The Council of the College, its professors and lecturers, and the graduates and undergraduates of the New Zealand University whose names are on its books, are hereby constituted a body politic and corporate under the style of "The Victoria College," by which style that corporation shall have perpetual succession and a common seal.

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The Council.

Council.

4. The corporation shall act by a governing body, to be called "the Victoria College Council" (elsewhere throughout this Act referred to as "the Council").

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Members of Council.

5. (1.) The Council shall consist of sixteen members, who shall be selected in manner following, that is to say:—

(a.) A group of three shall be appointed by the Governor in Council :

(b.) A group of three shall be elected by such of the members of the Legislative Council as for the time being are resident within any of the Wellington, Nelson, Westland, Marlborough, Hawke's Bay, and Taranaki Provincial Districts, and by such of the members of the House of Representatives as for the time being represent electoral districts in those provincial districts :

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Provided that in every case where an electoral district is partly in one provincial district and partly in another such electoral district shall for the purposes of this Act be deemed to be wholly in the provincial district wherein, according to the certificate of the Registrar-General (which it shall be his duty to supply), the majority of the population of such electoral district resides :

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Provided further that, in the event of a University College being at any time hereafter established within any of the aforesaid provincial districts by any Act of the General Assembly, the right of representation by this Act conferred upon such provincial district shall thereupon cease and determine :

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(c.) A group of three shall be elected by such of the graduates of the New Zealand University, whether admitted by examination or *ad eundem gradum*, as are for the time being on the books of the College :

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(d.) A group of three shall be elected by such persons holding certificates under section forty-five of "The Education Act, 1904," as are over the age of twenty-one years, and for the time being are resident within any of the aforesaid provincial districts :

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(e.) A group of three shall be elected by the members of the Education Boards of the education districts wholly or partly within any of the aforesaid provincial districts : and

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(f.) One shall be elected by the hereinafter-mentioned Professorial Board.

(2.) The members of the Council in office on the passing of this Act shall be deemed to have been selected under this Act.

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6. Subject to the provisions of this Act, elections of members of the Council shall be held in such manner and at such time and place as the Council directs. Election of members.

7. (1.) The ordinary term of office of all members of the Council shall be three years. Term of office.

(2.) On the second Monday in May in every year one member out of each of the five aforesaid groups shall retire from office. Retirement.

(3.) The member to retire out of each group shall be the member who has been longest in office.

10 (4.) Every retiring member shall be eligible for re-selection.

8. With respect to the selection of members for the ordinary term of office, the following provisions shall apply :— When member to be selected and take office.

(a.) Every ordinary election shall be held on the second Monday in April in each year.

15 (b.) Members to be appointed by the Governor in Council shall be appointed not later than the first Monday in May in each year.

(c.) Every member shall take office on the second Monday in May following the date of his selection.

20 (d.) No professor or lecturer of the College shall be eligible for selection.

9. If any member of the Council—

(a.) Dies, or (by letter to the Council) resigns his seat ; or

(b.) Becomes bankrupt or of unsound mind ; or

25 (c.) For a period of three consecutive months fails to attend any meeting of the Council, without obtaining leave of absence ;
or

(d.) Is absent from New Zealand for a period of six consecutive months,—

30 he shall cease to be a member, and the vacancy thereby occurring shall be deemed to be a casual vacancy. Casual vacancies.

10. Every casual vacancy shall be filled within thirty days after the occurring thereof, and the member filling the same shall hold office only for the unexpired residue of the term of the vacating member. When casual vacancies to be filled.

35 11. Whenever a casual vacancy occurs, it shall be the duty of the Council to forthwith report the fact to the Minister of Education where such vacancy is to be filled up by appointment, or to duly conduct the election where it is to be filled up by election. Vacancy to be reported to Minister.

40 12. Every vacancy, whether casual or otherwise, shall be filled up by the same electing or appointing authority as in the case of the vacating member. Vacancy of elected or appointed member.

13. For the purposes of the election of members of the Council the following provisions shall apply :— Mode of voting.

45 (a.) Every election shall be conducted by a Returning Officer, who shall be appointed by the Council.

(b.) The Returning Officer shall prepare five rolls, one for each of the five classes of electors, and shall enter in the respective rolls the name, occupation, and address of every person possessing the necessary electoral qualification.

50 (c.) No person shall be entered on more rolls than one, but any person who possesses more qualifications than one may transfer his name from one roll to another in respect whereof he possesses the necessary electoral qualification.

- (d.) The roll relating to any election shall be closed at five o'clock in the afternoon of the fourteenth day before the day on which the election is to be held, and shall continue closed until the election is completed.
- (e.) No alteration shall be made in any roll whilst it is closed. 5
- (f.) Claims for enrolment or transfer shall be made and disposed of in manner to be prescribed by regulations under this Act.
- (g.) At every election the votes shall be given by sealed voting-papers, which may be delivered personally or forwarded by 10 post or otherwise.
- Meetings of Council. 14. The Council shall meet at least once a month, at such time and place as the Council determines.
- Election of Chairman. 15. The meeting held in the month of May in each year shall be the annual meeting, and at that meeting the Council shall elect one of its 15 members to be Chairman.
- Chairman's term of office. 16. The Chairman shall hold office for one year, and shall be eligible for re-election :
- Provided that no person shall hold office as Chairman for more than two years in succession. 20
- Special meetings. 17. Special meetings may be called at any time by the Chairman or any two members, five days' previous notice of the place and time for such meeting being posted or telegraphed to all the members.
- Proceedings at meetings. 18. At all meetings of the Council—
- (a.) The quorum shall be six ; 25
- (b.) All questions shall be decided by a majority of the votes of the members present and voting ;
- (c.) The Chairman shall preside and have a deliberative vote, and, in the event of equality of voting, a casting-vote ;
- (d.) In the absence of the Chairman from any meeting the members 30 present shall elect one of their number to act as chairman at that meeting, and while so acting he shall have all the powers of the Chairman.
- Council may make by-laws. 19. Subject to the provisions of this Act, the Council may from time to time make by-laws for the purpose of regulating its own pro- 35 cedure, the conduct of all elections under this Act, and the general administration of the affairs of the College :
- Provided that such by-laws shall not come into operation until and unless they have been approved by the Governor in Council.
- Vacancy not to affect meetings. 20. The Council may continue to act notwithstanding any vacancy 40 in its body.
- Minutes and accounts. 21. The Council shall cause exact minutes of all its proceedings to be kept, and also full and accurate accounts of all its receipts, disbursements, liabilities, and engagements.
- Seal. 22. The seal of the Council shall be in the custody of the Chairman, 45 and shall not be affixed to any document except pursuant to a resolution of the Council.
- Power to appoint professors, officers, &c. 23. (1.) The Council shall have full power to appoint and remove all professors, lecturers, examiners, officers, and servants of the College, and to generally manage the affairs thereof : 50
- Provided that no professor or lecturer shall be appointed for any term exceeding five years ; but on the expiration of such term he may be reappointed.

(2.) All persons appointed by the Council and holding office on the commencement of this Act shall be deemed to have been appointed under this Act.

The Professorial Board.

- 5 24. There shall be a Professorial Board of the College, consisting of all the professors and lecturers of the College. Professorial Board.
25. The Board shall have power to make rules as to the time and place of its meetings and the procedure thereat : Meetings of Board.
 Provided that all such rules shall, before coming into operation, be submitted to and approved by the Council.
- 10 26. At its annual meeting the Board shall elect one of its members, being a professor, to be Chairman, and if it fails so to do the Council may appoint a professor to be Chairman for the year. Election of Chairman.
- 15 27. The Chairman shall hold office for one year, and be eligible for re-election, but no professor shall hold office as Chairman for more than two years in succession. Term of office of Chairman.
28. At all meetings of the Board— Proceedings at meetings.
 (a.) The quorum shall be three ;
 (b.) The Chairman shall preside, and shall keep the minutes of the
 20 proceedings of the Board ;
 (c.) He shall have a deliberative vote, and, in the case of equality of voting, a casting-vote ;
 (d.) In his absence from any meeting the members present shall
 25 elect another professor to act as chairman of that meeting, and while so acting he shall have all the powers of the Chairman.
29. Subject in each instance to the approval of the Council, and to such modifications as the Council thinks fit to make therein, the Board may— Board to fix course of study.
 30 (a.) Fix the course of study, and the days and hours of lectures ;
 (b.) Make rules as to the attendance of the students ;
 (c.) Prescribe the subjects for examinations for scholarships, exhibitions, prizes, and other college distinctions and awards.
- 35 30. Subject to the right of appeal to the Council (whose decision shall be final) by any person who feels aggrieved, the Board may— Board to deal with discipline and control servants.
 (a.) Deal with all questions relating to the discipline of the students ;
 (b.) Manage the College library ;
 (c.) Give instructions to the College servants as to the performance
 40 of their duties.
31. The Board shall be subject to the control of the Council, and shall furnish to it such reports and information as from time to time the Council requests or the Board deems necessary. Board to furnish reports.
- 45 32. The Board may from time to time offer such suggestions for the consideration of the Council as the Board thinks advisable in the interests of the College. Board may make suggestions.

Lecture Fees.

33. There shall be payable by the students such reasonable fees for attendance on lectures as from time to time the Council prescribes and the Governor in Council approves. Fees payable by students.
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Governor to approve
of same.

34. For the purpose of procuring such approval, the Council shall forward each table of fees to the Minister of Education for submission to the Governor in Council; and the fees shall not be chargeable until such approval is signified.

Queen's Scholarships.

Queen's Scholar-
ships.

35. For the purpose of bringing higher education within the reach of deserving scholars, there are hereby established in connection with the College, and out of its funds, junior and senior scholarships to be called "Queen's Scholarships," and with respect thereto the following provisions shall apply:—

(a.) (i.) Six junior scholarships shall be awarded annually on the results of an examination to be conducted in the prescribed manner by the Council.

(ii.) The examination shall be open to all persons of either sex who are not over fourteen years of age and reside within any of the Wellington, Nelson, Westland, Marlborough, Hawke's Bay, and Taranaki Provincial Districts; but not more than two scholarships shall be awarded in any year to the scholars from any one school, nor more than four scholarships to the scholars from any one education district.

(iii.) The term of each junior scholarship shall be three years if the holder so long faithfully fulfils the prescribed conditions:

Provided that the Council may at its discretion extend any junior scholarship for one year longer.

(iv.) The holder of any junior scholarship shall be required to prosecute his studies diligently, to the satisfaction of the Inspector-General of Schools, at a secondary school or its equivalent within the said provincial districts.

(b.) (v.) Not less than four senior scholarships shall be offered annually, which shall be awarded on the results of such examination as the Council, subject to the approval of the Minister of Education, may prescribe.

(vi.) The examination shall be open to all persons of either sex under nineteen years of age and who reside within any of the said provincial districts.

(vii.) The term of each senior scholarship shall be three years if the holder so long faithfully fulfils the prescribed conditions.

(viii.) The holder of a senior scholarship shall be required forthwith thereafter to enter himself on the books of the College, to attend the College lectures, and to prosecute his studies diligently to the satisfaction of the Professorial Board.

(ix.) The holder of a senior scholarship shall, whilst attending the College, be exempt from the payment of lecture fees.

(c.) The holder of a junior scholarship shall receive, in addition to the amount of the tuition fees (if any) payable by him at a secondary school as defined by "The Education Act, 1904," or at a district high school, the sum of ten pounds per annum.

- (d.) The holder of a senior scholarship shall receive the sum of twenty pounds per annum.
- 5 (e.) Where, owing to the absence of a secondary school or a district high school from the neighbourhood of his usual place of abode, the holder of a junior or senior scholarship is obliged to live away from home in order to prosecute his studies, there shall be paid to him an additional sum of thirty pounds per annum.
- 10 (f.) The scholarships shall be paid by quarterly instalments, and upon satisfactory evidence being in the prescribed manner furnished to the Council that the holder has fulfilled the prescribed conditions up to the date of the instalment.
- (g.) A Queen's Scholarship shall not be held by any one who is at the same time the holder of any other scholarship.
- 15 (h.) Not more than one Queen's Scholarship shall be held by the same person at the same time, and when the holder of a junior scholarship is awarded a senior scholarship he shall thereon resign his junior scholarship.
- 20 (i.) If the holder fails to qualify for any quarterly instalment of his scholarship the scholarship shall be forfeited, unless the Council, having regard to the special circumstances of the case, waives such forfeiture:
 Provided that such failure shall not be waived more than once.
- 25 (j.) If the holder of any scholarship forfeits or resigns his scholarship, or dies during the currency of the scholarship, then at the next examinations the Council shall offer such additional scholarships (if necessary) as will make the total number of scholarships current during the ensuing year not less than thirty.
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Appropriation and Endowment.

36. For the purpose of providing a fund for the maintenance of the College, and the payment of all expenses incurred by the Council in administering the affairs thereof (including all expenses of and incidental to the Queen's Scholarships), the Colonial Treasurer, without further appropriation than this Act, shall, out of the Consolidated Fund, pay to the Council each year ending the thirty-first day of March the sum of four thousand two hundred pounds, in such instalments during the year as he thinks fit.

Amount to be paid out of Consolidated Fund for maintenance.

37. The parcel of land described in the *First Schedule* hereto is hereby set apart as an endowment for the College, but shall remain vested in His Majesty.

Endowment for College.

38. The said parcel of land shall be held and administered as Crown lands under such of the leasing provisions of "The Land Act, 1892," as the Minister of Lands from time to time thinks fit; and the net rents and other proceeds derived therefrom and remaining after payment thereof of all necessary expenses attendant on the management and administration of the said land (including the expenses of survey and roading) shall, without further authority or appropriation than this Act, be paid over from time to time to the Council for the purposes of the College.

Appropriation of rents and proceeds thereof.

College site.
1901, No. 70, secs.
2-4
1902, No. 44, sec. 2

39. The parcel of land described in the *Second* Schedule hereto is hereby declared to be vested in the Council in trust as a site for University College buildings and as grounds appertaining thereto :

Provided that the said land shall be inalienable by sale, mortgage, lease, or otherwise. 5

Council may lease
other lands.

40. The Council may grant leases of any land (other than the land described in the *First* and *Second* Schedules hereto) to which the corporation of the College at any time becomes entitled by way of purchase, grant, or otherwise, but may not without the previous consent of the Governor in Council sell or mortgage the same. 10

Accounts and Audit.

Audit Office to be
Auditor.

41. The Audit Office shall be the Auditor of the Council, and shall have the same duties and powers in respect of the moneys and accounts of the Council, and of persons dealing therewith, as if the Council were a local authority within the meaning of section six of 15
"The Public Revenues Act, 1892."

Annual statement
of accounts.

42. Within ten days after the close of each financial year ending the thirty-first day of March, the Council shall cause to be prepared and submitted to the Audit Office a statement of accounts showing—

(a.) The total receipts and disbursements for the year ; and 20

(b.) Such other particulars as the Governor in Council from time to time prescribes by regulations under this Act.

Statement and
report to be laid
before General
Assembly.

43. Such statement shall be audited by the Audit Office within ten days after receipt thereof, and shall, together with the certificate of the Audit Office and a general report as to the progress of the College, 25
be forwarded by the Council to the Minister of Education within thirty days after the close of such year, to be by him laid before Parliament if sitting, or, if not, then within ten days after the commencement of the next session thereof.

General.

Minister of Educa-
tion to be Visitor.

44. The Minister of Education shall be the Visitor of the College, and shall have all the powers and functions usually possessed by Visitors. 30

Regulations for
purposes of Act.

45. The Governor may from time to time, by Order in Council gazetted, make such regulations as he deems necessary in order to give full effect to the provisions of this Act relating to Queen's Scholarships. 35

Repeal.

46. The enactments mentioned in the *Third* Schedule hereto are hereby repealed.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that piece or parcel of land situated in Blocks I. and V., Nukumarū Survey District, in the Wellington Provincial District, containing by admeasurement 4,000 acres, more or less. Bounded towards the north by Block XIII., Momohaki Survey District, 14500 links ; towards the east by other part of Block I., Nukumarū Survey District, and by the Waitotara River, 38600 links ; towards the south-east by a Native Reserve, 11910 links ; towards the south-west by a line, 3500 links ; and towards the west by Sections Nos. 13 and 11, in Block IX., and by Block IV., Wairoa Survey District, 33073 links : be all the aforesaid linkages more or less : excepting therefrom the several roads which are included within the said area ; as the same is delineated upon the plan deposited in the District Survey Office, Wellington.

SECOND SCHEDULE.

ALL that parcel of land in the City of Wellington, containing by admeasurement 5 acres 3 roods, more or less, being part of the Town Belt. Bounded towards the east generally by Salamanca Road from Kelburne Parade to the northernmost corner of Hospital Reserve; thence by the said Hospital Reserve to a public road, 50 links wide, forming the northern boundary of the Roman Catholic Cemetery; thence by the said public road, 75 links; thence by a right line bearing south $22^{\circ} 59'$ west, 460 links; thence towards the south generally by a right line bearing south $81^{\circ} 40'$ west, 440 links; thence by a right line to the eastern side of Kelburne Parade; and thence towards the west by the said Kelburne Parade to Salamanca Road aforesaid.

Also all that parcel of land in the City of Wellington, containing by admeasurement 2 roods 23 perches, more or less, being Allotments Nos. 1, 2, and 3, shown on Plan No. 898, deposited in the Lands Registry Office at Wellington, and known as Hospital Reserve. Bounded towards the north-east by Salamanca Road and Plantation Reserve; towards the south-east by a public road 50 links wide; and towards the south-west and north-west by Town Belt.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

- 1897, No. 27.—“The Victoria College Act, 1897.”
1901, No. 70.—“The Victoria College Site and Wellington College and Girls’ High School and Wellington Hospital Trustees Empowering Act, (1901)”: Except section 6.
1902, No. 44.—“The Victoria College Site Act, 1902.”
1903, No. 29.—“The Queen’s Scholarships Act, 1903.”

By Authority: JOHN MACKAY, Government Printer, Wellington.—1905.