

New Zealand.



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1914, No. 15.

AN ACT to amend the Victoria College Act, 1905.

[4th September, 1914.]

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 Victoria College Amendment Act, 1914, and shall form part of and be read together with the Victoria College Act, 1905 (hereinafter referred to as the principal Act).

Short Title.

2. (1.) Section three of the principal Act is hereby amended by omitting the words "the Victoria College," and substituting therefor the words "the Victoria University College"; and all references in any Act to "Victoria College" shall be deemed to refer to the Victoria University College.

Section 3 of principal Act amended.

(2.) Section four of the principal Act is hereby amended by inserting, before the word "College," the word "University."

Section 4 of principal Act amended.

3. The Council shall be constituted as follows:—

Constitution of Council of the Victoria University College.

(a.) A group of two members appointed by the Governor:

(b.) A group of two members appointed by the Professorial Board of the College:

(c.) A group of four members elected by the District Court of Convocation of the Victoria University District as defined by the New Zealand University Act, 1908:

- (d.) One member appointed by the Wellington City Council :
- (e.) A group of two members elected by the members of the Education Boards of education districts wholly or partly within the Victoria University District :
- (f.) One member elected by the governing bodies of the secondary schools, as defined by section eighty-nine of the Education Act, 1908, in the Victoria University District :
- (g.) A group of two members elected by the teachers in public schools in the Victoria University District holding certificates of competency under section fifty-four of the Education Act, 1908 :
- (h.) One member elected by those teachers in secondary schools and in day technical schools, as defined respectively by section eighty-nine of the Education Act, 1908, and by section sixteen of the Education Amendment Act, 1910, in the Victoria University District who are graduates of any British chartered University, or are holders of certificates of competency under section fifty-four of the Education Act, 1908.

Mode of
appointment or
election.

4. (1.) Members appointed pursuant to paragraphs (b) and (d) of section three hereof shall be appointed by resolution passed at a meeting of the Board or Council making the appointment.

(2.) Members elected pursuant to paragraphs (c), (e), (f), (g), and (h) of the same section shall be elected in manner hereinafter appearing.

(3.) The first appointments and elections of members pursuant to the said section three shall be made within the first seven days of the month of June, nineteen hundred and fifteen, or as soon thereafter as may be convenient, and the members so appointed or elected shall come into office on the first day of July, nineteen hundred and fifteen :

Provided that no appointment or election shall be made under the provisions of paragraphs (a), (e), or (g) of the said section, save for the purpose of filling casual vacancies, until the month of June, nineteen hundred and seventeen.

5. (1.) For the purposes of elections of members pursuant to paragraphs (c), (e), (g), and (h) of section three hereof the following provisions shall apply :—

- (a.) The Registrar of Victoria University College, or such other person as the Council appoints, shall be the Returning Officer who shall conduct all elections of those members.
- (b.) The Returning Officer shall prepare separate rolls of the persons who are entitled to vote for a member or members pursuant to the said paragraphs (c), (e), (g), and (h), and shall enter in the respective rolls the name, occupation, and address of every person who possesses the necessary qualification entitling him to vote ; provided that no person shall be entered on more rolls than one.
- (c.) Any person who possesses more qualifications than one shall be entitled to have his name transferred from one roll to another roll on which he is qualified to be enrolled at

Procedure
preliminary to
elections.

any time before the closing of the rolls as hereinafter mentioned :

Provided that a person who has had his name so transferred from one roll to another roll shall not be entitled to have his name transferred from the last-mentioned roll until after two years have elapsed since the date of the transfer to that roll, unless he has ceased to be qualified to have his name thereon.

(d.) All rolls shall be closed at five o'clock in the afternoon of the fourteenth day immediately preceding the day on which an election is to be held, and shall continue to be closed until the election is completed ; and no name shall be entered on any roll while that roll is closed.

(e.) Claims for enrolment shall be made and disposed of in accordance with regulations made by the Council.

(f.) At every election the votes shall be given by sealed voting-papers, in the form prescribed by regulations made by the Council, delivered to the Returning Officer personally on or before the day fixed for the election, or forwarded to him by post or otherwise so as to reach him not later than that day.

Voting at elections.

(2.) For the purpose of the election of a member pursuant to paragraph (f) of section three hereof the following provisions shall apply:—

Elections by governing bodies of secondary schools.

(a.) The governing body of each secondary school shall be entitled to one vote for every hundred or part of a hundred pupils (exclusive of the pupils in any lower department) in average attendance for the year ending on the thirty-first day of December immediately preceding the election.

(b.) The votes of each such governing body shall be by resolution passed at a meeting of that governing body.

(3.) In any election to which this section refers the majority of votes shall decide the election, provided that if two candidates have an equal number of votes the Registrar shall (if necessary) determine the election by lot in the presence of the Chairman or other member of the Council.

6. (1.) No member of the Professorial Board shall be a member of the Council unless he is appointed a member by that Board pursuant to paragraph (b) of section three hereof.

Election to Council of members of Professorial Board.

(2.) A member of the Professorial Board so elected 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 due from the Council to any member of the teaching staff.

7. Subject to the provisions of the next succeeding section, the term of office of all members appointed or elected as provided by paragraphs (a), (b), (c), (e), and (g) of section three hereof shall be four years; and of all other members shall be two years ; but all members shall continue to hold office until the appointment or election of their successors.

Term of office.

8. On the first day of July, nineteen hundred and fifteen, of the members appointed under the provisions of the principal Act by

Retirement of certain members on 1st July, 1915.

the Governor in Council, the one who has been longest in office shall retire, and the other two members so appointed shall be deemed to have been appointed by the Governor under this Act; in like manner, of the members elected under the principal Act by the graduates of the New Zealand University on the books of the College, the one who has been longest in office shall retire, and the other two members shall be deemed to have been elected in accordance with paragraph (c) of section three of this Act; in like manner, of the members elected under paragraph (d) of subsection one of section five of the principal Act, the one who has been longest in office shall retire, and the other two members shall be deemed to have been elected in accordance with paragraph (g) of section three of this Act; and, in like manner, of the members elected under the provisions of the principal Act by Education Boards, the one who has been longest in office shall retire, and the other two members shall be deemed to have been elected in accordance with paragraph (e) of section three of this Act; and the member elected by the Professorial Board shall retire.

Subsequent retirements.

9. (1.) Except as provided in the last preceding section, the members of the Council who are in office on the first day of July, nineteen hundred and fifteen, shall continue to hold office, subject as hereinafter in this section mentioned.

(2.) On the first day of July, nineteen hundred and seventeen, and on the same day in each second year thereafter, one-half of the members mentioned in paragraphs (a), (b), (c), (e), and (g) of section three hereof and the members mentioned in paragraphs (d), (f), and (h) of the said section shall retire from office.

(3.) The members to retire from each of the groups mentioned in paragraphs (a), (c), (e), and (g) of section three hereof on the first day of July, nineteen hundred and seventeen, shall be those who have been longest in office.

(4.) The member to retire from the group mentioned in paragraph (b) of the said section three on the first day of July, nineteen hundred and seventeen, shall, on or before the first day of May in that year, be decided by lot amongst the members of that group.

(5.) Of the members elected under paragraph (b) of section five of the principal Act, the one who has been longest in office shall retire on the first day of July, nineteen hundred and fifteen; and the remaining members shall retire on the first day of July, nineteen hundred and seventeen; and in no case shall any election be made hereafter of members under the said paragraph.

Casual vacancies.

10. (1.) If any member of the Council—

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

(b.) Becomes bankrupt; or

(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 without obtaining leave of absence,—

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

(2.) The member filling a casual vacancy shall hold office only for the residue of the term of the vacating member.

11. (1.) Whenever a vacancy, whether casual or otherwise, occurs that is to be filled by appointment by the Governor it shall be the duty of the Council to forthwith report the fact to the Minister of Education.

Notice of vacancies to be given.

(2.) Whenever a vacancy, whether casual or otherwise, occurs that is to be filled by appointment by the Professorial Board, or by any Education Board, or by the Wellington City Council, it shall be the duty of the Council forthwith to report the fact to the Board or Council which appointed the vacating member.

(3.) Whenever a vacancy, whether casual or otherwise, occurs that is to be filled by election it shall be the duty of the Council to do all things necessary for the proper conduct of that election.

(4.) Each vacancy, whether casual or otherwise, shall be filled by the same authority as that which appointed or elected the vacating member.

12. (1.) The appointment or election of a member to fill a vacancy caused by the expiry of the term of office of a vacating member shall be made within the first seven days of the month of June next preceding such expiry, or as soon thereafter as may be convenient, but shall not take effect until such expiry.

Mode of filling vacancies.

(2.) The appointment or election of a member to fill a casual vacancy shall be made not later than thirty days after the vacancy occurs.

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

(4.) If any vacancy is not filled within sixty days after the same occurs, the Governor shall forthwith fill the vacancy by appointing some fit person as a member in place of the vacating member.

13. Sections five to thirteen of the principal Act are hereby repealed.

Repeals.

14. Section sixteen of the principal Act is hereby amended by repealing the proviso thereto.

Section 16 of principal Act amended.

15. Section twenty-three of the principal Act is hereby amended by repealing the proviso to subsection one thereof.

Section 23 of principal Act amended.

16. Section twenty-four of the principal Act is hereby amended by omitting the words "and lecturers of the College," and substituting therefor the words "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 declare to be members of the Board."

Section 24 of principal Act amended.

17. Section twenty-seven of the principal Act is hereby amended by omitting all the words after the word "re-election."

Section 27 of principal Act amended.

18. Section twenty-eight of the principal Act is hereby amended—

Section 28 of principal Act amended.

(a.) By omitting paragraph (a), and substituting the following paragraph:—

"(a.) A quorum shall be such number as the Board with the consent of the Council from time to time determines"; and

(b.) By omitting from paragraph (b) the words “keep the minutes of the proceedings of the Board,” and substituting the words “shall cause exact minutes of the proceedings to be kept.”

19. Section thirty-three of the principal Act is hereby amended by inserting, after the word “fees,” the words “for general tuition and.”