

AUSTRALIAN CAPITAL TERRITORY.

No. 8 of 1953.

AN ORDINANCE

Relating to the Canberra University College.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1947*, as follows:—

1. This Ordinance may be cited as the *Canberra University College Ordinance 1953*.^{*} Short title.

2.—(1.) This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*. Commencement.

(2.) For the purpose of enabling this Ordinance to come into operation on the date to be fixed by the Minister under the last preceding sub-section, persons may be appointed and elected to the Council in accordance with section eleven of this Ordinance before that date, but those persons shall not be deemed to be members of the Council, and the Council shall not be deemed to be duly constituted, until that date.

3. The *Canberra University College Ordinance 1929*, the *Canberra University College Ordinance 1932*, the *Canberra University College Ordinance 1936* and the *Canberra University College Ordinance 1940* are repealed. Repeal.

4. In this Ordinance, unless the contrary intention appears— Definitions.

“member” means a member of the Council;

“the Chairman” means the Chairman of the Council;

“the College” means the University College established under the *Canberra University College Ordinance 1929-1940*;

“the Council” means the Council of the College constituted under this Ordinance.

5. Notwithstanding the repeal effected by section three of this Ordinance, the College is preserved and continued in existence under and subject to this Ordinance. University College to continue.

6. The functions of the College are— Functions of College.

(a) to provide facilities for university education in the Territory;

^{*} Notified in the *Commonwealth Gazette* on 28th May, 1953.

- (b) to inquire into, and to report to the Minister as to, matters relating to university education in, and of residents of, the Territory;
- (c) to administer, subject to the directions of the Minister, any scholarship or bursary scheme established by the Commonwealth in, or in relation to, the Territory;
- (d) at the request of a person controlling or managing a fund for the endowment of a scholarship, bursary or prize relating to education in the Territory, to accept control of and manage that fund; and
- (e) to exercise such powers in relation to university education in the Territory as are prescribed.

Council to
be governing
body.

7. The governing body of the College is the Council, which shall be constituted as provided in this Ordinance.

Powers of the
Council.

8. The Council has such powers as are necessary or convenient for, or incidental to, the performance of the functions of the College and the control and management of the affairs and concerns of the College and, without in any way limiting the extent of those general powers, the Council is empowered—

- (a) to establish at the College, in co-operation with one or more of the Universities in Australia or otherwise, courses of lectures or studies for degrees or otherwise;
- (b) to co-operate with other institutions which provide facilities in the Territory for teaching or research;
- (c) to appoint and dismiss professors, lecturers, examiners and other officers and servants of the College;
- (d) to provide and maintain library facilities in connexion with the College;
- (e) to establish halls of residence in association with the College;
- (f) to maintain discipline; and
- (g) to manage the trust fund, known as the University Trust Fund, established under the *Canberra University College Ordinance 1929-1940* and to expend moneys in that fund for the purposes of the College.

Principal of
College.

9.—(1.) There shall be a Principal of the College, who shall be appointed by the Council and shall hold office on such terms and conditions as the Council determines.

(2.) The person who is Principal of the College on the date on which this Ordinance comes into operation shall continue to be Principal of the College and shall be deemed to have been appointed under the last preceding sub-section.

10.—(1.) When the Council has been duly constituted under this Ordinance, it shall be a body corporate, by the name of The Council of the Canberra University College, with perpetual succession and a common seal, and shall be deemed to be a continuation of the existence of the body corporate which existed under the same name under the *Canberra University College Ordinance 1929-1940*, so that the corporate identity, and the property, rights, liabilities and obligations, of the body corporate are not affected. Council of the College.

(2.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Council affixed to a document and shall presume that it was duly affixed.

11. The Council shall consist of—

Constitution of Council.

- (a)** eight persons appointed by the Governor-General, of whom two shall be persons appointed on the nomination of the Advisory Council for the Territory;
- (b)** three persons (not being full-time members of the teaching staff of the College) who shall be, and shall be elected by, persons who—
 - (i)** are university graduates of not less than three years' standing;
 - (ii)** are ordinarily resident or are employed in the Territory at the time of the election; and
 - (iii)** have registered their names with the Registrar of the College;
- (c)** the Principal;
- (d)** a person appointed by the Council of the Australian National University established under the *Australian National University Act 1946-1947*;
- (e)** a professor of the College, who shall be elected by the professors (other than the Principal, if he is a professor) of the College;
- (f)** a full-time member of the teaching staff (other than the professors) of the College, who shall be elected by the full-time members of the teaching staff (other than the professors) of the College; and
- (g)** such persons as are appointed under section fifteen of this Ordinance to be members of the Council.

12. A person shall not, at the one time, hold office as a member of the Council under or by virtue of more than one of the paragraphs of the last preceding section. Person not to be a member in more than one capacity.

13.—(1.) Subject to sub-section (3.) of this section and to the next succeeding section— Term of office of members and vacancies

- (a)** a member appointed by the Governor-General or the Council of the Australian National University shall hold office for such period, not exceeding two years, as the Governor-General or that Council, as the case may be, determines; and

(b) an elected member shall hold office for a period of two years from the date of his election.

(2.) When a person ceases to be a member, he is eligible, unless otherwise disqualified under this Ordinance from being a member, to become a member for a further period.

(3.) Where a member, other than an additional member appointed under section fifteen of this Ordinance, dies or ceases to be a member before the expiration of the period for which he was appointed or elected, a person shall be elected or appointed to fill the resulting vacancy in the membership of the Council in the same manner as that in which the person who has ceased to be a member was elected or appointed, and shall hold office for the residue of his predecessor's term of office.

Vacation of
office.

14.—(1.) If a member—

- (a) declines to act;
- (b) resigns his office as member;
- (c) is absent, without leave of the Council, from six consecutive meetings of the Council; or
- (d) ceases to hold the qualification which entitled him to election,

he shall cease to be a member.

(2.) A member appointed by the Governor-General or the Council of the Australian National University may resign his office by writing addressed to the Governor-General or that Council, as the case may be, and any other member may resign his office by writing addressed to the Chairman.

Council may
appoint two
members.

15.—(1.) Subject to the next succeeding sub-section, the Council may appoint a person to be a member of the Council for such period, not exceeding two years, as the Council determines.

(2.) There shall not be more than two such members at the one time.

Chairman.

16.—(1.) The Council shall elect a Chairman of the Council from amongst its members.

(2.) The Chairman shall hold office as Chairman, subject to good behaviour, for the period of his office as a member or for a period of two years from the date of his election as Chairman, whichever is the less, but is eligible for re-election.

(3.) The Chairman may resign his office as Chairman by writing addressed to the Council.

Meetings of
the Council.

17.—(1.) Meetings of the Council shall be held at such times as the Council determines or as the Chairman directs.

(2.) At a meeting of the Council, six members form a quorum.

(3.) The Chairman shall preside at all meetings of the Council at which he is present.

(4.) In the absence of the Chairman from a meeting, the members present may elect one of their number to preside at the meeting.

18. A vacancy in the membership of the Council or a defect in the election of the Chairman, in the appointment or election of a member or in the convening or conduct of a meeting of the Council does not affect the validity of the proceedings of, or the exercise of a power by, the Council or an act done by the Council, the Chairman or a member under or in pursuance of this Ordinance or the regulations. Validity of proceedings.

19.—(1.) The Council may establish a Board of Studies, which shall be the principal academic body of the College. Board of Studies.

(2.) The Board of Studies shall consist of the professors of the College and of such other persons as the Council determines.

(3.) Subject to this Ordinance, the Board of Studies may exercise, on behalf of the Council, such of the powers of the Council with respect to studies and discipline as the Council determines.

(4.) The Board of Studies shall have such other powers and functions as the Council determines.

20. There shall be paid to the Council, for the purposes of the College, such sums as are from time to time appropriated by the Parliament for the purpose or made available by the Minister. Subsidy for College.

21. The accounts of the Council are subject to inspection and audit from time to time by the Auditor-General of the Commonwealth. Audit.

22. The Council shall forward to the Minister once in each year, for presentation to the Parliament, a report on the work of the College and on matters arising under this Ordinance. Annual Report.

23.—(1.) The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular for prescribing matters for or in relation to the election of members. Regulations.

(2.) The power to make regulations conferred on the Minister by the last preceding sub-section may be exercised by him at any time after the making of this Ordinance has been notified in the *Gazette*, but any regulations, other than regulations prescribing

matters for or in relation to the election of members, made by the Minister before the date on which this Ordinance comes into operation shall not come into operation until that date.

Dated this fifteenth day of May, 1953.

W. J. SLIM

Governor-General.

By His Excellency's Command,

P. A. McBRIDE

for and on behalf of the Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.