

Reprint  
as at 1 August 2020



## University of Auckland Act 1961

Public Act      1961 No 50  
Date of assent      8 November 1961  
Commencement      see section 1(2)

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
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**This Act is administered by the Ministry of Education.**

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**An Act to consolidate and amend certain enactments of the Parliament of New Zealand relating to the University of Auckland**

Title: amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

**1 Short Title and commencement**

- (1) This Act may be cited as the University of Auckland Act 1961.
- (2) This Act shall come into force on 1 January 1962.

**2 Interpretation**

- (1) In this Act, unless the context otherwise requires,—

**assisted student** means an international student who is in New Zealand to study under an assistance programme administered by the New Zealand Government

**the Council** means the Council of the University of Auckland constituted in accordance with subpart 3 of Part 4 of the Education and Training Act 2020

**domestic student** means a person who is not an international student

**exempt student** means an international student who—

- (a) is in New Zealand under an exchange programme approved by the New Zealand Government; or
- (b) is for the time being exempted under section 47B(2)

**international student** means a person who is not a New Zealand citizen and is—

- (a) a person to whom section 15 or 16 of the Immigration Act 2009 applies; or
- (b) a person obliged by or under that Act or any other enactment to leave New Zealand immediately or within a specified time; or
- (c) treated for the purposes of that Act as being unlawfully in New Zealand

**lecturer** means a member of the staff of the University of Auckland who is in terms of his appointment an associate professor, a reader, a senior lecturer, or a lecturer of the University; and includes such other persons and classes of persons as the Council from time to time determines

**Minister** means the Minister of the Crown for the time being responsible for the administration of this Act

**professor** means a professor of the University of Auckland; but does not include an associate professor

**the Registrar** means the Registrar of the University of Auckland

**Secretary** means the chief executive of the Ministry of Education

**the University** means the University of Auckland constituted under this Act.

- (2) In the absence of proof to the contrary,—
  - (a) a certificate signed by the chief executive of the Ministry of Foreign Affairs and Trade that on a specified day, or for a specified period, a specified person was or was not, or will or will not be in New Zealand to study under an assistance programme administered by the New Zealand Government; or
  - (b) a certificate signed by the Secretary that on a specified day, or for a specified period, a specified person was or was not, or will or will not be in New Zealand to study under an exchange programme approved by the New Zealand Government,—

is, for the purposes of subsection (1), conclusive evidence of the matter certified; and judicial notice shall be taken of the signature on any such certificate of the chief executive or (as the case may be) the Secretary.

Compare: 1954 No 74 s 2; 1957 No 25 s 2

Section 2(1) **assisted student**: inserted, on 1 January 1990, by section 27(2) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **assisted student**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **the Chancellor**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **the Council**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **the Council**: amended, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **domestic student**: inserted, on 1 January 1990, by section 27(2) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **domestic student**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **exempt student**: inserted, on 1 January 1990, by section 27(2) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **exempt student**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **financial year**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **foreign student**: repealed, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **general course of study**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **international student**: inserted, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **Minister**: inserted, on 1 January 1990, by section 27(2) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **personal course of study**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **the Pro-Chancellor**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **Secretary**: inserted, on 1 January 1990, by section 27(2) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **the Senate**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **Students Association**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **the Vice-Chancellor**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(2): inserted, on 1 January 1990, by section 27(3) of the Education Amendment Act 1989 (1989 No 156).

Section 2(2)(a): amended, on 1 July 1993, pursuant to section 9(2) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

### 3 Constitution of the University

- (1) For the advancement of knowledge and the dissemination and maintenance thereof by teaching and research there shall be a University to be called the University of Auckland.
- (2) The University shall consist of the Council, the professors emeriti, the professors, lecturers, junior lecturers, Registrar, and librarian of the University for the time being in office, the graduates and undergraduates of the University, the graduates of the University of New Zealand whose names are for the time being on the register of the Court of Convocation of the University of Auckland, and such other persons and classes of persons as the Council may from time to time determine.
- (3) The University shall be a body corporate with perpetual succession and a common seal, and may hold real and personal property, and sue and be sued, and do and suffer all that bodies corporate may do and suffer.
- (4) The University established under this Act is hereby declared to be the same institution as the institution of that name existing immediately before the commencement of this Act under the University of Auckland Act 1954 (as amended by the University of Auckland Amendment Act 1957), which institution was originally established under the name of the Auckland University College under the Auckland University College Act 1882.

Compare: 1954 No 74 s 3

Section 3(1): amended, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 3(2): amended, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

### 4 University District and Court of Convocation

- (1) *[Repealed]*
- (2) *[Repealed]*
- (3) There shall be a Court of Convocation of the University.
- (4) The said Court of Convocation shall consist of the persons whose names are enrolled on a register to be kept by the Registrar.
- (5) Every person shall be entitled to have his name enrolled on the register of the Court of Convocation who—
  - (a) is a graduate of the University; or
  - (b) being a graduate of the University of New Zealand, either by examination at any time or by reason of having been admitted *ad eundem gradum* before 1 January 1943, is not, by reason of that qualification, enrolled on the register of the Court of Convocation for any other University, and is otherwise qualified in accordance with statutes made by the Council to be enrolled on the register of the Court of Convocation of the University; or

- (c) not being such a graduate, is a professor or graduate full-time member of the staff of the University or a graduate member, approved by the Council as being of University status, of the staff of an institution affiliated to the University; or
  - (d) is otherwise entitled in accordance with statutes made by the Council to have his name enrolled on the said register.
- (6) The power of the Council under section 284 of the Education and Training Act 2020 to make statutes extends to making statutes for the keeping of the register of the Court of Convocation, which statutes may include provisions prescribing the persons and classes of persons who are eligible under paragraph (b) or paragraph (d) of subsection (5) for membership of the said Court of Convocation and the conditions (whether as to payment of fee or otherwise) on which persons are entitled to have their names enrolled in the register of the said court; and, subject to this Act and to the said statutes, if any, the said court shall have power to make such rules for the conduct of its business as it thinks fit and until rules governing its meetings are so made shall meet at such times and places as the Council may determine.
- (7) The said court may make representations to the Council on any matter concerning the interests of the University.

Compare: 1956 No 20 s 3

Section 4(1): repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 4(2): repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 4(3): amended, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 4(5)(b): amended, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 4(6): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 4(6): amended, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

## 5 Visitor of the University

*[Repealed]*

Section 5: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*The Council**[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**6 Constitution of Council***[Repealed]*

Section 6: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**7 Transitional provisions***[Repealed]*

Section 7: repealed, on 12 October 1977, by section 8 of the University of Auckland Amendment Act 1977 (1977 No 36).

**8 Term of office***[Repealed]*

Section 8: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**9 Employees as Council members***[Repealed]*

Section 9: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**10 Disqualification of members of Council***[Repealed]*

Section 10: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**11 Casual vacancies in Council***[Repealed]*

Section 11: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**12 Proceedings of Council not affected by vacancies, etc***[Repealed]*

Section 12: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**13 Election of Council members***[Repealed]*

Section 13: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).



**14 Meetings of Council**

*[Repealed]*

Section 14: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**15 Special meetings of Council**

*[Repealed]*

Section 15: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**16 Council may appoint committees**

*[Repealed]*

Section 16: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*Powers of the Council*

**17 Council to be governing body of University**

*[Repealed]*

Section 17: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**18 Appointment of professors, lecturers, etc**

*[Repealed]*

Section 18: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**18A Council to consult staff organisation about conditions of employment of academic staff**

*[Repealed]*

Section 18A: repealed, on 19 December 1989, by section 30(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**19 Conferment of degrees**

*[Repealed]*

Section 19: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**20 Award of certificates, etc**

The Council shall have power, under such conditions as it thinks fit, to award certificates, fellowships, scholarships, bursaries, and prizes, and to make other awards.

**21 Lectures to members of the public**

The Council shall have power to provide such lectures and instruction for any persons, whether or not they are members of the University, as it thinks fit, and on such conditions as it thinks fit, and may award certificates to any of them.

**22 Power to make statutes and regulations**

*[Repealed]*

Section 22: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**23 Seal of the University**

*[Repealed]*

Section 23: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**24 Admission of students**

*[Repealed]*

Section 24: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*The Chancellor and Pro-Chancellor*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**25 Election of Chancellor**

*[Repealed]*

Section 25: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**26 Election of Pro-Chancellor**

*[Repealed]*

Section 26: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**27 Right to preside at meetings of Council**

*[Repealed]*

Section 27: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*The Vice-Chancellor and Deputy Vice-Chancellor*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**28 Vice-Chancellor**

*[Repealed]*

Section 28: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**29 Deputy Vice-Chancellor**

*[Repealed]*

Section 29: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*The Senate*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**30 Constitution of Senate**

*[Repealed]*

Section 30: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**31 Chairman of Senate**

*[Repealed]*

Section 31: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**32 Meetings of Senate**

*[Repealed]*

Section 32: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**33 Proceedings of Senate not affected by vacancies, etc**

*[Repealed]*

Section 33: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**34 Functions of Senate**

*[Repealed]*

Section 34: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**35 Senate may appoint committees**

*[Repealed]*

Section 35: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**36 Council to consult Senate on academic matters**

*[Repealed]*

Section 36: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*Affiliated institutions*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**37 Admission of affiliated institutions**

*[Repealed]*

Section 37: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*Financial provisions*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**38 Benefactions to be strictly applied**

*[Repealed]*

Section 38: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**39 Bulk funding**

*[Repealed]*

Section 39: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**40 Money to be paid into bank**

*[Repealed]*

Section 40: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**41 Loan money to be paid into a separate account**

*[Repealed]*

Section 41: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**42 Investment of money**

*[Repealed]*

Section 42: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**43 Provision for Common Fund investment**

*[Repealed]*

Section 43: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**44 Travelling allowances and expenses of members of Council**

*[Repealed]*

Section 44: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**45 Council may insure members against personal accident while engaged in duties**

*[Repealed]*

Section 45: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**46 Unauthorised expenditure of Council**

*[Repealed]*

Section 46: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**47 Council to prescribe fees**

*[Repealed]*

Section 47: repealed, on 1 January 1990, by section 27(1) of the Education Amendment Act 1989 (1989 No 156).

**47A Fees for domestic students**

*[Repealed]*

Section 47A: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**47B Fees for foreign students**

*[Repealed]*

Section 47B: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**48 Fees payable to associations of students**

*[Repealed]*

Section 48: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**49 Grants by Council to associations of staff or students**

*[Repealed]*

Section 49: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**50 Powers of Council in respect of property**

*[Repealed]*

Section 50: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**51 Power to borrow by way of overdraft or temporary loan**

*[Repealed]*

Section 51: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**52 Annual report and statement of accounts**

*[Repealed]*

Section 52: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*Repeals and savings*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**53 Repeals and savings**

*[Repealed]*

Section 53: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**Schedule 1****The Auckland University District**

*[Repealed]*

s 4(1)

Schedule 1: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**Schedule 2****Degrees and other academic qualifications**

*[Repealed]*

s 19(1)

Schedule 2: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**Schedule 3**  
**Enactments repealed**  
*[Repealed]*

s 53(1)

Schedule 3: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

## Reprints notes

### **1** *General*

This is a reprint of the University of Auckland Act 1961 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Education and Training Act 2020 (2020 No 38): section 668

Foreign Affairs Amendment Act 1993 (1993 No 48): section 9(2)

Education Amendment Act 1990 (1990 No 60): section 50(4)

Education Amendment Act 1989 (1989 No 156): section 27

State Sector Amendment Act (No 2) 1989 (1989 No 136): section 30(1)

Constitution Act 1986 (1986 No 114): section 29(2)

University of Auckland Amendment Act 1977 (1977 No 36)