



ANALYSIS

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1961, No. 53

An Act to consolidate and amend certain enactments of the General Assembly relating to Massey College
[8 November 1961]

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

1. Short Title and commencement—(1) This Act may be cited as the Massey College Act 1961.

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-two:

Provided that section 7 of this Act shall come into force on the passing of this Act.

2. Interpretation—In this Act, unless the context otherwise requires,—

“The Chairman” means the Chairman of the Massey College Council elected under this Act:

“The College” means Massey College constituted under this Act:

“The Council” means the Massey College Council constituted under this Act:

“Financial year” means the financial year of the College fixed by the Council with the concurrence of the University Grants Committee:

“General course of study” means the structure of any course for a degree or other academic qualification and the subjects of study in the course; and includes the content of any subject in the course, any set works or periods to be studied, the extent and nature of any practical work required for any such subject, any prerequisites to the course or to the subjects of study in the course, and the types of examination:

“Lecturer” means a member of the staff of Massey College who is in terms of his appointment an associate professor, a reader, a senior lecturer, or a lecturer of the College; and includes such other persons and classes of persons as the Council from time to time determines:

“Personal course of study” means the subjects which an individual student selects for a degree or other academic qualification in accordance with the general course of study for the time being prescribed for all students for the degree or other academic qualification:

“The Principal” means the Principal of Massey College appointed under this Act:

“Professor” means a professor of the College; but does not include an associate professor:

“The Professorial Board” means the Professorial Board of Massey College constituted under this Act:

“The Registrar” means the Registrar of Massey College:

“The Vice-Chairman” means the Vice-Chairman of the Massey College Council elected under this Act:

Cf. 1952, No. 11, s. 2

3. Constitution of College—(1) For the advancement of knowledge in agriculture, agricultural science, food technology, and related fields, and the dissemination thereof by teaching and research, there shall be associated with the Victoria University of Wellington a University College of Agriculture to be called Massey College.

(2) The College shall consist of the Council, the professors emeriti, the professors, lecturers, Registrar, and librarian of the College for the time being in office, the graduates and undergraduates of the Victoria University of Wellington whose names are for the time being on the books of the College, the graduates of the University of New Zealand whose names are for the time being on the books of the College, the holders of diplomas granted by the College, and such other persons and classes of persons as the Council may from time to time determine.

(3) The College 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 College of Agriculture established under this Act is hereby declared to be the same institution as the agricultural college called the Massey Agricultural College existing immediately before the commencement of this Act under the Massey Agricultural College Act 1952, which agricultural college was, before the commencement of that Act, usually known by that name but sometimes known as the Massey College of Agriculture. The corporate identity of the said institution shall not be affected, notwithstanding any change in its name or constitution effected by this Act.

(5) Every reference in any enactment or document to the Massey Agricultural College (however it is described) shall, unless the context otherwise requires, hereafter be read as a reference to Massey College.

Cf. 1952, No. 11, s. 3

4. College part of Victoria University of Wellington for certain purposes—The College shall be deemed to be part of the Victoria University of Wellington for the purposes of complying with the requirements of any Act or of the Council of that University with respect to—

(a) The entry of the name of any student on the books of that University, or the attendance of any student at that University, or the doing of any work, or the keeping of any terms, or any other matter, in each case—

(i) In relation to the grant by the Council of that University of a degree or other academic qualification in agriculture, agricultural science, food technology, or any related field of study at Massey College, being a degree or other academic qualification of the Victoria University of Wellington; or

(ii) In relation to admission *ad eundem statum*;
or

(iii) For the purpose of granting credits or exemptions in respect of units or subjects passed or work done at any other University in New Zealand:

(b) Any course of study, subject, or unit for the time being approved by the Council of the Victoria University of Wellington and being for a degree or other academic qualification not in agriculture, agricultural science, or food technology or any related field of study.

Cf. 1952, No. 11, s. 3 (5)

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

Cf. 1952, No. 11, s. 4

The Council

6. Constitution of Council—(1) There shall be a Council of the College, to be called the Massey College Council.

(2) The Council shall consist of:

(a) The Principal:

(b) Three members to be appointed by the Governor-General:

(c) One member to be appointed by the Palmerston North City Council:

(d) One member to be appointed by the Council of the Victoria University of Wellington:

(e) One member to be appointed by the Council of the University of Auckland:

(f) One member, being a member of the Professorial Board, to be elected by the members of the Professorial Board:

(g) One member, being a member of the teaching staff of the College, to be elected by the professors, lecturers, and assistant lecturers of the College:

(h) Two members, being graduates of not less than five years' standing of any University, to be elected by the graduates on the books of the College:

(i) One member to be elected by the holders of diplomas granted by the Council:

(j) Such number of members (not exceeding three) as the Council from time to time after the commencement of this Act thinks fit, to be appointed by the Council.

(3) Upon any person completing six consecutive years as a member of the Council appointed under paragraph (j) of subsection (2) of this section, he shall cease to be eligible for reappointment under that paragraph until after the lapse of one year during which he did not hold office as a member of the Council appointed under that paragraph; but, except as provided in this subsection and in section 10 of this Act, he shall be eligible for reappointment under that paragraph.

7. Transitional provisions—(1) Notwithstanding the reconstitution of the Council by section 6 of this Act,—

- (a) Every member of the Council who was in office immediately before the commencement of this Act shall, unless he sooner vacates his office under subsection (1) of section 11 of this Act, continue in office as a member of the Council until the expiration of the term for which he was elected or appointed:
 - (b) The members of the Council appointed under paragraphs (a), (b), and (c) of subsection (2) of section 5 of the Massey Agricultural College Act 1952 shall go out of office at the expiration of the terms for which they were appointed; but, if any such member vacates his office before the expiration of the term for which he was appointed, the casual vacancy so arising shall be filled as if the other provisions of this Act had not been passed:
 - (c) The provisions of this Act shall apply to those of the members of the Council who were elected under paragraphs (e), (f), and (g) of subsection (2) of section 5 of the Massey Agricultural College Act 1952 as if they had been elected under paragraphs (h), (i), and (g) respectively of subsection (2) of section 6 of this Act.
- (2) Before the thirty-first day of December, nineteen hundred and sixty-one, the following members shall be elected:
- (a) The member to be elected under paragraph (f) of subsection (2) of section 6 of this Act:
 - (b) The additional member to be elected under paragraph (h) of the said subsection (2).
- (3) In the month of December, nineteen hundred and sixty-two, the following members shall be elected or appointed:
- (a) One of the members to be appointed under paragraph (b) of subsection (2) of section 6 of this Act:
 - (b) A member to be elected under paragraph (h) of the said subsection (2):
 - (c) The members to be elected or appointed under paragraphs (c), (d), (e), (g) and (i) of the said subsection (2).
- (4) In the month of December, nineteen hundred and sixty-four, two members shall be appointed under paragraph (b) of subsection (2) of section 6 of this Act.

8. Term of office—(1) Except as otherwise provided in this Act, every elected or appointed member of the Council shall hold office for a term of three years, but (except as provided in subsection (3) of section 6 and in section 10 of this Act) may from time to time be re-elected or reappointed.

(2) Of the two members to be appointed to the Council by the Governor-General for terms commencing with the first day of January, nineteen hundred and sixty-five, one shall be appointed for a term of two years, and the other shall be appointed for a term of three years.

(3) The members of the Council to be appointed by the Councils of the Victoria University of Wellington and the University of Auckland respectively in December, nineteen hundred and sixty-two, shall each hold office for a term of one year.

(4) The member of the Council to be appointed by the Palmerston North City Council in December, nineteen hundred and sixty-two, shall hold office for a term of two years.

(5) The member of the Council to be elected by the graduates on the books of the College before the thirty-first day of December, nineteen hundred and sixty-one, shall hold office for a term of four years.

(6) Of the first members to be appointed by the Council under paragraph (j) of subsection (2) of section 6 of this Act, the Council if it thinks fit may appoint two for terms of less than three years, to be specified at the time of the appointments.

(7) Notwithstanding anything to the contrary in any provision of this Act except paragraph (j) of subsection (2) of section 6 and section 7, every elected or appointed member of the Council, unless he sooner vacates his office under section 11 of this Act, shall continue to hold office until his successor comes into office.

(8) The appointment of a member of the Council to replace a member due to retire in any year shall be made not later than the third Monday in December in that year.

(9) The election of a member of the Council to replace a member due to retire in any year shall be held on the first Monday in December in that year or as soon as practicable thereafter.

(10) Except in the case of elections or appointments to fill casual vacancies, members elected or appointed shall come into office on the first day of January next following the date specified in this Act for their election or appointment.

(11) If at the time prescribed by this section for the election or appointment of any member or members, no member or members or insufficient members are elected or appointed, the Council may itself appoint a suitable person in the place, and for the term or the remainder of the term, of the member who should have been elected or appointed.

9. Employees as Council members—(1) No person in the employment of the College or of the Victoria University of Wellington shall be eligible for office as a member of the Council, unless he is the Principal, a member elected by the Professorial Board, or a member elected by the professors, lecturers, and assistant lecturers of the College:

Provided that the Council may pay to any member for the time being of the Council who has acted, at the request of the Council, as an examiner, assessor, or moderator in any subject or examination, a fee or stipend determined in accordance with paragraph (c) of section 18 of this Act; and no person to whom any such fee or stipend is paid shall be ineligible as aforesaid:

Provided also that no person shall be ineligible as aforesaid by reason of any other employment by the College if the amount paid to him in any financial year in respect of that employment does not exceed four hundred pounds.

(2) A member of the Council who is in the employment of the College shall not be entitled to vote on any question before the Council or any committee of the Council which directly affects his salary or in which he, either alone or in common with other members of the staff, has a direct pecuniary interest.

Cf. 1952, No. 11, s. 9; 1917, No. 28, s. 12 (1)

10. Disqualification of members of Council—The following persons shall be incapable of being elected or appointed to be members of the Council:

- (a) A mentally defective person within the meaning of the Mental Health Act 1911:
- (b) A bankrupt who has not obtained his order of discharge or whose order of discharge has been suspended for a term not yet expired or is subject to conditions not yet fulfilled:
- (c) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed on him.

Cf. 1952, No. 11, s. 7

11. Casual vacancies in Council—(1) If any elected or appointed member of the Council—

- (a) Dies; or
- (b) Resigns his office by writing under his hand delivered to the Registrar; or
- (c) Is absent without leave from four consecutive meetings of the Council; or
- (d) Becomes ineligible for election or appointment to the Council under the provision of this Act under which he was elected or appointed; or
- (e) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or
- (f) Is adjudged a bankrupt; or
- (g) Is convicted of any offence punishable by imprisonment,—

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

(2) If any elected or appointed member of the Council becomes the Principal, a casual vacancy shall arise in respect of the office previously held by him.

(3) Every casual vacancy in the office of an elected or appointed member of the Council (other than a member appointed under paragraph (j) of subsection (2) of section 6 of this Act) shall, as soon as practicable, be filled by the election or appointment of a new member in the same manner as in the case of the vacating member, and the member elected or appointed to fill any casual vacancy shall hold office for only the residue of the term of the vacating member.

Cf. 1952, No. 11, s. 8

12. Proceedings of Council not affected by vacancies etc.—No act or proceeding of the Council, or of any committee thereof, or of any person acting as a member of the Council, shall be invalidated in consequence of there being a vacancy in the number of the Council at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any person so acting, or that he was incapable of being or had ceased to be such a member.

Cf. 1952, No. 11, s. 5 (8); 1954, No. 76, s. 74

13. Election of members—(1) The Registrar of the College, or such other person as the Council appoints, shall be the Returning Officer for the purpose of conducting elections of members of the Council.

(2) The elections of members of the Council shall be conducted, and rolls for the elections shall be prepared, in the manner prescribed by statutes or regulations of the College.

Cf. 1952, No. 11, s. 6

14. Meetings of Council—(1) The Council shall meet at such times and places as it determines.

(2) At any meeting of the Council seven members shall form a quorum, and no business shall be transacted unless a quorum is present.

(3) At any meeting of the Council the person presiding at the meeting shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(4) Every question before the Council shall be decided by a majority of the votes of the members present at the meeting of the Council and entitled to vote on that question.

Cf. 1952, No. 11, s. 11

15. Special meetings of Council—(1) The Chairman may at any time, of his own motion, call a special meeting of the Council, and the Chairman shall call a special meeting on the requisition in writing of any two members.

(2) Notice of any such meeting shall be posted to each member at his usual address at least five days before the date of the meeting.

Cf. 1952, No. 11, s. 12

16. Council may appoint committees—(1) The Council may from time to time appoint standing or special committees.

(2) The Council may delegate any of its powers and duties, including any powers and duties which it has by delegation from any other body or person, but (except as provided in subsection (2) of section 35 of this Act) not including this power of delegation, and not including the power to make statutes and regulations, to any such committee or to the Professorial Board or the Principal or any person; and the committee or the Professorial Board or the Principal or person, as the case may be, may, without confirmation by the Council, exercise or perform the delegated powers or duties in like manner and with the same effect as the Council could itself have exercised or performed them.

(3) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power or the performance of any duty by the Council.

(4) Unless and until any such delegation is revoked, it shall continue in force according to its tenor.

(5) It shall not be necessary that any person who is appointed to be a member of any such committee, or to whom any such delegation is made, shall be a member of the Council.

Cf. 1952, No. 11, s. 13

Powers of Council

17. Council to be governing body of College—The Council shall be the governing body of the College through which the corporation of the College shall act, and shall have the entire management of and superintendence over the affairs, concerns, and property of the College; and, subject to the provisions of this Act and any other Act, shall in respect of all such matters have authority to act in such manner as appears to it to be best calculated to promote the interests of the College and of any other institution controlled by the Council:

Provided that the Council shall not make any final decision on any matter mentioned in section 36 of this Act until it has first consulted the Professorial Board and considered any recommendations the said Board may make in that behalf, unless that Board, having had reasonable opportunity to make such recommendations, has failed to do so.

Cf. 1952, No. 11, s. 14

18. Appointment of professors, lecturers, etc.—The Council shall have full power—

(a) To institute the offices of professor and lecturer and such other offices as it thinks fit in connection with the College and any other institution controlled by the Council:

(b) To appoint and remove all professors, lecturers, teachers, officers, and servants of the College and of any other institution controlled by the Council:

Provided that the Vice-Chancellor of the Victoria University of Wellington or his nominee shall be a member of any committee set up by the Council to consider and report with respect to any appointment to any Chair:

(c) To appoint and remove examiners, assessors, and moderators:

Provided that the fee or stipend which the Council may pay to any examiner, assessor, or moderator shall be in accordance with a scale fixed by the Council with the concurrence of the University Grants Committee.

Cf. 1952, No. 11, s. 14 (2)

19. Provision of courses and conferment of degrees and other academic qualifications—(1) The Council may provide courses in agriculture, agricultural science, food technology, and such other courses as it deems fit; and, subject to the provisions of section 37 of the Victoria University of Wellington Act 1961, may, after examination, make recommendations to the Council of the Victoria University of Wellington for the conferment or award of such degrees and other academic qualifications as the last-mentioned Council has power to confer or award.

(2) The Council may, without reference to the Council of the Victoria University of Wellington, award any diploma specified in the First Schedule to this Act.

(3) Without reference to the Council of the Victoria University of Wellington the Council may, from time to time, by statute, add to or omit from the list of diplomas specified in the said First Schedule the name or description of any diploma or otherwise amend the list; and every such statute shall have effect according to its tenor:

Provided that no statute adding to the said list of diplomas shall come into force until it has been approved by the University Grants Committee.

(4) The Council may, without reference to the Council of the Victoria University of Wellington, grant certificates in agriculture, agricultural science, and food technology, and related fields of study.

Cf. 1952, No. 11, s. 15

20. Award of fellowships, etc.—The Council shall have power, under such conditions as it thinks fit, to award 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 College, 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—(1) Subject to the provisions of this Act and any other Act the Council may from time to time make such statutes of the College as may in its opinion be necessary or expedient for the administration of the affairs of the College.

(2) Subject to the provisions of this Act and any other Act and to the statutes (if any) of the College, the Council may from time to time make such regulations of the College as may in its opinion be necessary or expedient for the administration of the affairs of the College.

(3) Without limiting the generality of the foregoing provisions of this section it is hereby declared that statutes and regulations so made may prescribe any matters which by this Act are required or permitted to be prescribed or with respect to which statutes or regulations are, in the opinion of the Council, necessary or expedient for giving effect to this Act.

(4) Subject to the provisions of section 36 of this Act and (where required by any Act) to the consent of the University Grants Committee or the Curriculum Committee, the Council may make statutes or regulations with respect to all or any of the diplomas and other academic qualifications, certificates, fellowships, scholarships, bursaries, prizes, and awards which the Council may award, and with respect to general courses of study and personal courses of study for the same.

(5) All such statutes and regulations shall be in writing.

(6) No statute passed by the Council of the College as aforesaid shall come into force until it has been approved by the Governor-General.

(7) All such statutes and regulations shall have effect according to their tenor, and shall be published by the Council.

(8) A copy of any such statute or regulation under the seal of the College shall be sufficient evidence in all Courts of the same and of its having been made and (where necessary) approved in accordance with this section.

Cf. 1952, No. 11, s. 25

23. Seal of the College—The seal of the College shall be in the custody of the Registrar or such other officer as the Council may appoint, and shall not be affixed to any document except pursuant to a resolution of the Council, or by the authority of a resolution of a committee of the Council acting in accordance with an authority for that purpose conferred upon it by the Council.

Cf. 1952, No. 11, s. 24

24. Admission of students—(1) Every person who is academically qualified for entrance to a University in New Zealand in accordance with the requirements of the Universities Entrance Board shall be eligible, without further examination, to matriculate at the Victoria University of Wellington for the purpose of pursuing a course of study at Massey College.

(2) The Council shall have power to decline to enrol any student at the College, or in a particular course or courses, or in classes in a particular subject or subjects on the ground of—

- (a) The person not being of good character; or
- (b) Misconduct or a breach of discipline on the part of the student; or
- (c) The person not having attained the age of sixteen years on the previous thirty-first day of December, or the person not having attained any other age prescribed in respect of any course of study by any course regulations within the meaning of the Universities Act 1961; or
- (d) The person being enrolled for full-time instruction in a secondary school, technical school, combined school, district high school, or registered private secondary or technical school; or
- (e) Insufficient academic progress after a reasonable trial by the student at the College or at any University or other University College of Agriculture; or
- (f) Insufficiency of accommodation or of teachers in the College or in a faculty or department of the College; or
- (g) The person not having satisfied any conditions prescribed by any course regulations within the meaning of the Universities Act 1961.

(3) For the purposes of paragraph (f) of subsection (2) of this section the Council may, if it thinks fit, from time to time make statutes defining the circumstances in which insufficiency of accommodation or of teachers in the College or in a faculty or department of the College shall be deemed to exist, and the maximum number of students who may be admitted to any course or class. No such statute shall come into force until it has been approved by the University Grants Committee. Every such definition that is made by statute under this subsection shall be conclusive for all purposes.

(4) Where any person has obtained in any University or other place of learning any academic qualification or part thereof corresponding or equivalent, in the opinion of the Council, to any diploma or other academic qualification or part thereof which the Council has power to award, the Council may admit that person at its discretion *ad eundem statum* in the College without further examination and may withdraw any such admission at any time.

(5) A person admitted to the status of the holder of a diploma or other academic qualification or part thereof of the College shall not be deemed to be the holder of the diploma or other academic qualification or part thereof, but he shall be entitled to proceed to any diploma or other academic qualification of which the diploma or other academic qualification or part thereof to the status of which he has been admitted is a prerequisite upon the same terms and conditions as those upon which a holder of the diploma or other academic qualification or part thereof is entitled so to proceed.

(6) Where a person who has been a student of Lincoln College is admitted to Massey College, the Council of that College shall give him such credits as it considers appropriate for any units or subjects which he has already passed and with which he has been credited at Lincoln College towards a diploma, or grant him such exemptions as it considers appropriate, so that he may complete his course without suffering undue hardship as a consequence of his transfer.

Chairman and Vice-Chairman of Council

25. Chairman of Council—(1) At its first meeting in each year, the Council shall elect one of its members to be the Chairman of the Massey College Council for the ensuing year:

Provided that the Principal or a member of the Council elected by the members of the Professorial Board or by the professors, lecturers, and assistant lecturers shall not be so elected.

(2) Unless the Chairman resigns from that office or vacates his office as a member of the Council, whether under subsection (1) of section 11 of this Act or otherwise, he shall continue to hold the office until his successor is elected, and (subject to the provisions of section 10 of this Act) shall be eligible for re-election.

(3) If the Chairman sooner resigns from that office or vacates his office as a member of the Council under subsection (1) of section 11 of this Act, the Council shall elect one of its members to be Chairman for the remainder of the term.

(4) For the purposes of the election of the Chairman for any term, the Registrar of the College shall preside at the meeting, but shall not be entitled to vote. In the event of an equality of votes the election shall be determined by lot.

Cf. 1952, No. 11, s. 10

26. Election of Vice-Chairman—(1) The Council may elect annually one of its members who is eligible for election as Chairman to be the Vice-Chairman of the Massey College Council.

(2) Unless the Vice-Chairman sooner resigns from that office or vacates his office as a member of the Council, whether under subsection (1) of section 11 of this Act or otherwise, he shall continue to hold the office of Vice-Chairman until his successor is elected, and (subject to the provisions of section 10 of this Act) shall be eligible for re-election.

(3) If the Vice-Chairman is elected to be the Chairman, or ceases to be a member of the Council, he shall thereupon vacate the office of Vice-Chairman.

(4) If the Vice-Chairman during his term of office vacates that office as aforesaid, the Council may elect one of its members who is eligible for election as Chairman to be the Vice-Chairman of the Massey College Council for the remainder of the term.

(5) During any vacancy in the office of Chairman or in the absence of the Chairman from New Zealand or while he is incapacitated by sickness or otherwise, the Vice-Chairman shall have and may exercise and perform all the powers and duties of the Chairman.

Cf. 1952, No. 11, s. 10

27. Right to preside at meetings of Council—The Chairman shall preside at every meeting of the Council at which he is present. If at any meeting of the Council the Chairman is not present or there is no Chairman, the Vice-Chairman shall preside at the meeting; and if the Vice-Chairman also is not present at the meeting or there is no Vice-Chairman, the Council shall appoint some member present to preside at that meeting. The Vice-Chairman or person so appointed shall have and may exercise in any such case all the powers and functions of the Chairman for the purposes of the meeting.

Cf. 1952, No. 11, s. 10

The Principal and Vice-Principal

28. Principal—(1) The Council may from time to time appoint some fit and proper person to be the Principal of Massey College:

Provided that the Vice-Chancellor of the Victoria University of Wellington or his nominee shall be a member of any committee appointed by the Council to consider and report with respect to any such appointment.

(2) The Principal shall have the following functions, powers, and duties:

(a) He shall be the academic and administrative head of the College:

(b) He shall, by virtue of his office, be a member of the Council, Chairman of the Professorial Board, a member of every faculty, and a member of every committee set up by the Council or the Professorial Board:

(c) He shall have such duties as the Council, subject to the provisions of this Act, may from time to time specify:

(d) He may, during the intervals between meetings of the Professorial Board, exercise alone (but subject always to the control of the Council and to a right of appeal to the Professorial Board) such of the powers of the Professorial Board as to maintaining the discipline of the College as may be prescribed in that behalf by statutes or regulations made under the authority of this Act.

(3) The Principal may appoint any member of the Professorial Board to attend in his place the meeting of any board, committee, or other body which is not constituted by or under this Act (whether created by or under any other Act or otherwise) of which the Principal is a member. Any person so appointed shall while so attending be deemed for all purposes to be a member of the board, committee, or other body and may exercise all the rights and powers which the Principal could have exercised had he been personally present. The fact that any member of the Professorial Board so attends shall be sufficient evidence of his authority so to do.

Cf. 1952, No. 11, s. 26

29. Vice-Principal—(1) The Council may from time to time appoint a member of the Professorial Board to be Vice-Principal of the College. Every person so appointed shall hold office during the pleasure of the Council.

(2) The Vice-Principal shall have such duties as are defined by the Council.

(3) The Vice-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:

Provided that, in the absence of the Principal from any meeting of the Council or if there is for the time being no Principal, the Vice-Principal shall be entitled to vote on any matter before the Council.

The Professorial Board

30. Constitution of Professorial Board—(1) There shall be a Professorial Board of Massey College.

(2) The Professorial Board shall consist of:

(a) The Principal:

(b) The professors of the College:

(c) Such lecturers of the College as the Council may from time to time appoint to be members of the Professorial Board:

(d) Such other members of the staff of the College as the Council, on the recommendation of the Professorial Board, may from time to time appoint to be members of the Professorial Board:

(e) Two members of the Professorial Board of the Victoria University of Wellington to be appointed by that Board, who shall each hold office for such term as may be specified by that Board when making the appointment, and who may from time to time be reappointed.

Cf. 1952, No. 11, s. 28

31. Chairman of Professorial Board—(1) Whenever there is no Principal in office, the Professorial Board shall, at its first meeting held thereafter, and at its annual meeting in each year, elect one of its members, being a professor, to be the Chairman of the Professorial Board; and if it fails to do so the Council may appoint a professor to be the Chairman of the Professorial Board.

(2) The person so appointed shall hold office until the appointment of a Principal or until the election or appointment of his successor under this section, whichever happens first, and shall be eligible for re-election or reappointment, but shall not hold office for more than two terms in succession.

32. Meetings of Professorial Board—(1) The person who is entitled in accordance with the provisions of sections 28 and 31 of this Act to be Chairman of the Professorial Board at any meeting thereof at which he is present shall preside at that meeting. In the absence of any such person from any such meeting, the members present shall elect one of their number to be the Chairman for the purposes of that meeting, and the person so elected shall preside at that meeting.

(2) At any meeting of the Professorial Board the person presiding shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(3) Every question before the Professorial Board shall be decided by a majority of the valid votes recorded thereon.

(4) At every meeting of the Professorial Board a quorum shall consist of such number of members as that Board, with the consent of the Council, from time to time determines, and no business shall be transacted unless a quorum is present.

(5) Save as expressly provided in this Act, the Professorial Board shall have power to make rules as to the time and place of its meetings and the procedure thereat.

Cf. 1952, No. 11, s. 29

33. Proceedings of Professorial Board not affected by vacancies, etc.—No act or proceeding of the Professorial Board, or of any committee thereof, or of any person acting as a member of the Professorial Board, shall be invalidated in consequence of there being a vacancy in the number of the Professorial Board at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the appointment of any person so acting, or that he was incapable of being or had ceased to be such a member.

34. Functions of Professorial Board—(1) The Professorial Board shall have power of its own motion, or at the request of the Council, to make recommendations or reports to the Council on any matter affecting the College.

(2) The Professorial Board shall be specially charged with:

(a) The duty of furthering and coordinating the work of the College and of encouraging scholarship and research; and

(b) The management of the Library.

(3) The Professorial Board shall have power to deal with all matters relating to the maintenance of discipline amongst the students of the College; and shall have such powers of

fining, suspending, and expelling students guilty of breaches of discipline, and such other powers of whatsoever kind as may be conferred on it by statutes or regulations made under the authority of this Act:

Provided that any person aggrieved by any action of the Professorial Board may appeal to the Council, whose decision shall be final.

(4) The Professorial Board shall have power to approve personal courses of study proposed by individual students:

Provided that the Professorial Board shall not approve personal courses of study for a degree or other academic qualification in such a way as to introduce general restrictions not provided for in the course regulations governing the course of study for that degree or other academic qualification.

Cf. 1952, No. 11, s. 30

35. Professorial Board may appoint committees—(1) The Professorial Board may from time to time appoint standing or special committees.

(2) The Professorial Board may delegate any of its powers and duties (including any powers and duties which it has by delegation from the Council or any other body or person) to any such committee or to any person; and the committee or person may, without confirmation by the Professorial Board, exercise or perform those powers or duties in like manner and with the same effect as the Professorial Board could itself have exercised or performed them:

Provided that the Council may prohibit, or impose conditions in respect of, the delegation by the Professorial Board of any power or duty that is delegated to that Board by the Council.

(3) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Professorial Board.

(4) Unless and until any such delegation is revoked, it shall continue in force according to its tenor.

(5) It shall not be necessary that any person who is appointed to be a member of any such committee, or to whom any such delegation is made, shall be a member of the Professorial Board.

36. Council to consult Professorial Board on academic matters—The Council shall not make or recommend that the Council of the Victoria University of Wellington shall make any statute or regulation or decision in relation to entrance

to the College or to any course of study or to the examinations and other academic tests for any degree or other academic qualification, certificate, fellowship, scholarship, bursary, prize, or award, or to the admission, attendance, and discipline of students, or to the appointment of examiners, assessors, or moderators, or to other academic matters, until it has first received and considered any recommendation that the Professorial Board may make in that behalf, unless that Board, having had a reasonable opportunity to make such a recommendation, has failed to do so.

Financial Provisions

37. Benefactions to be strictly applied—Subject to the provisions of the Charitable Trusts Act 1957, all benefactions at any time vested in or enjoyed by the College with a declaration of trust, or as an endowment for the promotion of any particular branch of science or learning, shall be applied strictly by the Council accordingly.

Cf. 1952, No. 11, s. 33

38. Application of income and capital of College—Subject to the provisions of this Act and any other Act and to the terms of any trust or endowment, the income and capital of the College shall be applied in doing whatever the Council thinks expedient in order that the College may best accomplish the purposes for which it is established.

39. Money to be paid into bank—(1) All money received by the College amounting to ten pounds and upwards shall, as soon as practicable after it has come into the hands of the proper officer of the College, be paid into such bank account or accounts of the College as the Council from time to time determines.

(2) No such money shall be withdrawn from the bank except by authority of the Council and by cheque signed by an officer of the College approved by the Council and countersigned by a member of the Council, or by another officer of the College, approved by the Council:

Provided that it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid by the Council by cheque issued by means of a cheque-writing machine, and every such cheque issued by means of such a machine and bearing a facsimile of the signatures of

the persons authorised pursuant to the provisions of this section to sign and countersign cheques shall be deemed to have been duly signed and countersigned in accordance with the provisions of this section.

Cf. 1954, No. 74, s. 29

40. Loan money to be paid into a separate account—All money borrowed by the Council on behalf of or for the purposes of the College, other than money borrowed under section 51 of this Act, shall be paid into a separate bank account in the name of the loan, and shall not be drawn out of the bank or expended except for the special purposes for which it was borrowed.

Cf. 1954, No. 74, s. 30

41. Investment of money—Subject to the terms of any trust or endowment, any money belonging to or vested in the College and available for investment may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds, or in such other manner as the Minister of Finance from time to time approves.

Cf. 1930, No. 31, s. 26

42. Provision for Common Fund investment—(1) The Council may at any time, if it thinks fit, establish the following funds and account:

- (a) A Common Fund to be known as the Massey College Common Fund:
- (b) A Reserve Fund to be known as the Massey College Common Fund Reserve Fund:
- (c) A Common Fund Income Account to be known as the Massey College Common Fund Income Account.

(2) Subject to the provisions of this section, if the Council has established the said funds and account, it may invest any trust funds in its possession, whether at the time in a state of investment or not, whether they came into its possession before or after the commencement of this Act, and whether they comprise the whole or part of the trust estate to which they belong, either—

- (a) On a separate account in respect of the trust estate to which the funds belong; or

(b) If the funds are not directed to be invested in some other specified manner, and investment in the said Common Fund is not inconsistent with the terms of the trust instrument (if any) governing the funds, as part of the said Common Fund.

(3) All funds forming part of the said Common Fund shall be invested in the manner required by section 41 of this Act.

(4) Where any funds of a trust estate are in the possession of the Council and are lawfully invested in any investment in which the said Common Fund may be invested as aforesaid, then, if in accordance with paragraph (b) of subsection (2) of this section the funds could be invested as part of the said Common Fund, the Council may transfer that investment to the said Common Fund and give credit in that Fund to the trust estate for such amount as it considers proper, having regard to its duty to be fair to all those interested in the said Common Fund and to those beneficially interested in the capital and income of the trust estate to which the investment belongs. Upon any investment being so transferred it shall cease to form part of the trust estate to which it formerly belonged.

(5) Investments made from funds forming part of the said Common Fund shall not be made on account of or belong to any particular trust estate, but the Council shall cause to be kept an account showing at all times the entitlement of each trust estate in the said Common Fund.

(6) All income derived from the said Common Fund and from the investments and money included therein shall be paid into the said Common Fund Income Account.

(7) In each year interest on the amount of the entitlement of each trust estate in the said Common Fund shall be transferred from the said Common Fund Income Account and credited to that trust estate at such uniform rate as may from time to time be determined by the Council:

Provided that in no case shall the rate so determined be lower than one-half per cent below the rate which would be so paid if all the income paid into the said Common Fund Income Account in that year was so transferred.

(8) The Council shall also each year pay into the said Reserve Fund—

(a) All income in the said Common Fund Income Account which is not transferred to any trust estate in that year in accordance with subsection (7) of this section:

(b) All capital gains arising in connection with the said Common Fund.

(9) The funds forming part of the said Reserve Fund shall be kept separate from all other trust funds, and shall be invested in the manner authorised by section 41 of this Act.

(10) All income paid into the said Reserve Fund as aforesaid, and all income derived from the said Reserve Fund and from the investments and money included therein, shall be applied as the Council thinks fit in any one or more of the following ways:

(a) Towards augmenting the capital of the said Reserve Fund:

(b) Towards stabilising or increasing the income of the said Common Fund:

(c) Towards reinstating any losses of capital in the said Common Fund.

(11) The capital of the said Reserve Fund may, if the Council thinks fit, be applied in reinstating any losses of capital in the said Common Fund.

(12) The Council may at its discretion at any time withdraw from the said Common Fund any amount for the time being to the credit of any trust estate in the said Common Fund; and where any amount is being so withdrawn,—

(a) If the capital of the said Reserve Fund has increased while the said amount was in the said Common Fund, the Council shall pay out of the said Reserve Fund and add to the amount so withdrawn, as capital, such amount (if any) as it considers equitable having regard to the length of the period during which the amount was in the said Common Fund and to the proportion which the said amount bears to the average amount of the total assets of the said Common Fund during that period:

(b) If losses of capital in the said Common Fund have occurred during the said period, then, so far as those losses have not been reinstated and cannot be reinstated from the amounts in the said Reserve Fund at the time of the withdrawal, that amount shall bear its proportion of those losses, as determined by the Council, and the amount being so withdrawn shall abate accordingly.

43. Travelling allowances and expenses of members of Council—(1) The Council may pay to each of its members travelling allowances and expenses; and, in respect of travel

in New Zealand, those allowances and expenses shall not exceed those payable in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(2) In respect of travel in New Zealand the Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

Cf. 1952, No. 11, s. 23; 1954, No. 74, s. 32

44. Council may insure members against personal accident while engaged in duties—The Council may from time to time enter into contracts of insurance of a type for the time being approved by the Minister of Education insuring members of the Council against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Council, and may pay the premiums payable in respect of those contracts.

45. Unauthorised expenditure of Council—The Council may in any financial year of the College expend out of the general fund of the College for purposes not authorised by any law for the time being in force any sum or sums not exceeding in the aggregate a one-thousandth part of the revenue of the College from all sources for the immediately preceding financial year or the sum of five hundred pounds, whichever is the greater.

Cf. 1952, No. 11, s. 21

46. Council to prescribe fees—There shall be payable by the students of the College or any of them such fees as the Council from time to time prescribes:

Provided that the scales of tuition and of examination fees may be so prescribed only with the concurrence of the University Grants Committee.

Cf. 1952, No. 11, s. 32

47. Fees payable to associations of students—The Council shall have power to impose and collect from time to time from students of the College or from any of them such fees as it considers reasonable for the benefit of any association or organisation of students of the College, and to dispose of those fees accordingly.

Cf. 1954, No. 74, s. 35

48. Grants by Council to associations of staff or students—The Council may from time to time make grants or loans from its funds on such terms and conditions as it thinks fit to any association or organisation of staff or students of the College.

Cf. 1954, No. 74, s. 36

49. Powers of Council in respect of property—(1) Without limiting or in any way affecting any other powers conferred upon the Council by this Act or any other Act or by law, it is hereby declared that, subject to the provisions of this section, the Council may do all or any of the following things on behalf of and for the purposes of the College, namely:

- (a) Establish, build, maintain, repair, add to, alter, rebuild, reinstate, conduct, manage, and control halls of residence for students and academic staff, and houses for academic staff and any other of its employees whatsoever, and buildings and rooms and other facilities for the recreation or social use of students, academic staff, and other employees:
- (b) Purchase, take on lease, or otherwise acquire any real or personal property for any purposes whatsoever in connection with the College:
- (c) With the consent of the Minister of Education in the case of land and in other cases without his consent, sell or otherwise alienate any right, title, estate, or interest in any real or personal property vested in the College:
- (d) With the consent of the Minister of Education, borrow money from the Crown or from any corporation or person; and (for the purpose of securing any money so borrowed) mortgage, charge, or pledge any right, title, estate, or interest in any land vested in the College:
- (e) Grant leases of any land vested in the College; and for that purpose the Council is hereby declared to be a leasing authority within the meaning of the Public Bodies' Leases Act 1908:
- (f) On such conditions as may be prescribed by the Minister of Finance, guarantee loans made to members of the staff for housing purposes by other persons and bodies.

(2) Notwithstanding anything to the contrary in the Public Bodies' Leases Act 1908 or in any lease granted by the Council, the Council may—

- (a) In its absolute discretion at any time not earlier than three years nor later than one year before the date of the expiration of any lease of land vested in the College that does not confer a right of renewal, grant a renewal of the lease upon such terms as it thinks fit; and the provisions of this paragraph shall apply to any such lease whether granted before or after the commencement of this Act:
 - (b) With the consent of the Minister of Education, grant leases of land vested in the College upon such terms as that Minister may approve:
 - (c) Grant leases and licences for the extraction and removal of coal and other minerals from land vested in the College at such rent or royalties and upon such terms and conditions as the Council may determine.
- (3) The Minister of Education is hereby empowered to make advances upon such terms as the Minister of Finance may approve to the Council for the purposes of the College out of money appropriated by Parliament for the purpose.

Cf. 1952, No. 11, s. 18

50. Special powers—In addition to all other powers conferred on it by this Act or any other Act or by law, it shall be lawful for the Council:

- (a) To conduct such experimental or other farming operations as the Council deems expedient in order efficiently to instruct the students of the college:
- (b) To acquire by purchase, lease, or otherwise, on such terms as the Council determines, such land, implements, stock, and materials as the Council deems necessary for the purposes of such farming operations as aforesaid:
- (c) To carry out research either on its own initiative or on behalf of the New Zealand Government or any person or body of persons.

51. Power to borrow by way of overdraft or temporary loan—In addition to the powers conferred by section 49 of this Act, it shall be lawful for the Council, in anticipation of its revenue, from time to time to borrow money by way of overdraft or on temporary loan on behalf of and for the farming operations and other purposes of the College:

Provided that the amount so borrowed shall not at any time exceed one-twelfth of the revenue of the College from all sources during the immediately preceding financial year of the College:

Provided also that at the end of any financial year of the College the amount of the overdraft or loan shall not exceed the outstanding revenue due to the College in respect of that financial year, or the sum of five thousand pounds, whichever is the greater.

Cf. 1952, No. 11, s. 19

52. Power to grant loans to students—The Council may from time to time out of money received from the estate of the late Walter Henry Bailey and available for the general purposes of the College, make an advance on such terms and conditions as the Council thinks fit to any student of the College who, in the opinion of the Council, should be granted financial assistance to enable that student to complete the course of study for which he is enrolled at the College.

Cf. 1952, No. 11, s. 22

53. Annual report and statement of accounts—(1) The Council shall, during the month of April in every year, furnish to the Minister of Education and to the University Grants Committee a report on the College during the immediately preceding year.

(2) The Council shall also, as soon as practicable after the end of every financial year of the College, furnish to the Minister of Education and to the University Grants Committee a statement of the assets and liabilities of the College as at the end of that financial year of the College, together with an account of income and expenditure showing the financial transactions for that year, which statement and account shall be audited by the Audit Office.

Repeals, Amendments, and Savings

54. Consequential amendments—(1) Section 2 of the Rating Act 1925, as amended by subsection (1) of section 50 of the Statutes Amendment Act 1947, is hereby further amended by omitting the words “Massey Agricultural College” where they appear in paragraph (h) of the definition of the term “rateable property”, and substituting the words “Massey College”.

(2) Part II of the First Schedule to the Local Authorities (Members' Contracts) Act 1954 is hereby amended by repealing the item relating to the Massey Agricultural College Council, and substituting the following item:

“The Massey College | 1961, No. 53—The Massey
Council | College Act 1961.”

55. Repeals and savings—(1) The enactments mentioned in the Second Schedule to this Act are hereby repealed.

(2) All bylaws which originated under any of the enactments hereby repealed or under the corresponding provisions of any former enactment and are subsisting or in force on the commencement of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated as regulations under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to be regulations and to have so originated; and every reference to any such bylaw in any Act, regulation, order, or other enactment, or in any instrument or document whatsoever shall, after the commencement of this Act, unless inconsistent with the context, be read as a reference to a regulation made under the corresponding provisions of this Act.

SCHEDULES

FIRST SCHEDULE

Section 19 (2), (3)

DIPLOMAS

Diplomas in:

- Agriculture.
 - Dairy Farming.
 - Dairying.
 - Horticulture.
 - Sheep Farming.
 - Wool and Wool Classing.
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SECOND SCHEDULE

Section 55 (1)

ENACTMENTS REPEALED

- 1952, No. 11—The Massey Agricultural College Act 1952.
 - 1958, No. 79—The Massey Agricultural College Amendment Act 1958.
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This Act is administered in the Department of Education.
