



ANALYSIS

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1961, No. 48

An Act to amend the University of Otago Ordinance 1869
[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 University of Otago Amendment Act 1961, and shall be read together with and deemed part of the Otago Provincial Ordinance usually known as the University of Otago Ordinance 1869.*

(2) The said Ordinance may be cited as the University of Otago Ordinance 1869, and is hereafter in this Act referred to as the principal Ordinance.

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

2. Interpretation—In this Act and in the principal Ordinance, unless the context otherwise requires,—

“The Chancellor” means the Chancellor of the University of Otago elected under the principal Ordinance:

“The Council” means the Council of the University of Otago:

“Financial year” means the financial year of the University 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 the University of Otago 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:

*Ordinance No. 280, Session XXV

“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 Pro-Chancellor” means the Pro-Chancellor of the University of Otago elected under the principal Ordinance:

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

“The Registrar” means the Registrar of the University of Otago:

“The Senate” means the Senate of the University of Otago:

“The University” means the University of Otago established by the principal Ordinance:

“The Vice-Chancellor” means the Vice-Chancellor of the University of Otago appointed under this Act.

Cf. 1946, No. 25, s. 2

The University

3. The University—(1) The University of Otago established by the principal Ordinance shall consist of the Council, the professors emeriti, the professors, lecturers, assistant lecturers, Registrar, and librarian of the University for the time being in office, the graduates and under-graduates 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 Otago University District, and such other persons and classes of persons as the Council, after considering a recommendation from the Senate, may from time to time determine.

(2) The objects of the University shall include the diffusion of arts, sciences, and learning, the provision of liberal, professional, and technological education, and the advancement of knowledge by research.

Cf. Principal Ordinance, s. 1

4. University District and Court of Convocation—(1) For the purposes of the principal Ordinance and this Act there shall be a district to be called the Otago University District, comprising the Land Districts of Otago and Southland.

(2) The boundaries of the Otago University District may be altered from time to time by the Governor-General by Order in Council.

(3) There shall be a Court of Convocation for the Otago University District.

(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) The Council may from time to time make statutes or regulations for the keeping of the register of the Court of Convocation, which statutes or regulations may include provisions prescribing the persons and classes of persons who are eligible for membership of the said Court of Convocation and the circumstances in which, and the conditions (whether as to payment of fee or otherwise) on which, persons are entitled to have their names enrolled on the register of the said Court; and, subject to this Act and to the said statutes or regulations, 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.

(6) The said Court may make representations to the Council on any matter concerning the interests of the University.

Cf. 1956, No. 20, s. 3

The Council

5. Constitution of Council—(1) There shall be a Council of the University, to be called the Council of the University of Otago.

(2) The Council shall consist of:

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

(b) The Vice-Chancellor or, while there is no Vice-Chancellor in office or during the absence or incapacity of the Vice-Chancellor,—

(i) The Acting Vice-Chancellor; or

(ii) While there is no Acting Vice-Chancellor in office or during the absence or incapacity of the Acting Vice-Chancellor, the Vice-Chairman of the Senate:

(c) Six members to be elected by the Court of Convocation for the Otago University District:

- (d) Four members, being members of the Senate, to be appointed by the Senate:

Provided that, while any member of the Council appointed under this paragraph is the Acting Vice-Chancellor, the Senate may from time to time appoint another of its members to be a deputy member of the Council:

- (e) One member, being a lecturer who (in accordance with the statutes or regulations of the University) is eligible for election under this paragraph, which member shall be elected by the lecturers who are so eligible:
- (f) One member, being a member of the Otago Hospital Board, to be appointed by that Board:
- (g) One member, being a member of the Dunedin City Council, to be appointed by that Council:
- (h) One member, being a person who has graduated from any University not less than two years before the date of his appointment and who is not enrolled as a student of the University, to be appointed by the Executive of the Otago University Students' Association Incorporated:
- (i) One member to be elected by the governing bodies of State secondary schools, technical schools, and combined schools and such registered private secondary schools as the Council may from time to time determine, being in all cases schools situated in the Otago University District, each governing body to have one vote for each school under its control for the purposes of any such election:
- (j) One member to be elected by those teachers employed in State secondary schools, technical schools, and combined schools (excluding any intermediate or lower departments) situated in the Otago University District who are graduates of any University or whose names are registered in the Teachers' Register.

(3) The Council may from time to time, if and when it thinks fit, appoint, for such period not exceeding four years as it may specify in each case when making the appointment, one or two additional members:

Provided that no person who has been an additional member for eight years or more shall be reappointed as an additional member until the expiry of at least twelve months from the termination of his previous appointment.

(4) Every deputy member of the Council appointed under the proviso to paragraph (d) of subsection (2) of this section shall—

- (a) Act under that paragraph as a member of the Council in the place of the member who is the Acting Vice-Chancellor at any time while the Acting Vice-Chancellor is a member of the Council by virtue of paragraph (b) of the said subsection (2):
- (b) Hold office as a deputy member of the Council until the expiration of the term for which the Acting Vice-Chancellor has been appointed as a representative of the Senate under the said paragraph (d), or until either the Acting Vice-Chancellor or the deputy member dies or ceases to be a member of the Senate or until the deputy member resigns that office whichever first occurs.

Cf. 1946, No. 25, s. 3

6. Transitional provisions—Notwithstanding the reconstitution of the Council by section 5 of this Act,—

- (a) All the members of the Council who were in office immediately before the commencement of this Act shall continue in office as members of the Council until the expiration of the terms for which they were elected or appointed; and the provisions of this Act shall apply to those of the said members who were elected or appointed under paragraphs (a), (b), (c), (d), (g), (i), (j), (k), and (l) of subsection (1) of section 3 of the University of Otago Council Act 1946 as if they had been elected or appointed under paragraphs (a), (d), (e), (c), (i), (j), (h), (g), and (f) respectively of subsection (2) of section 5 of this Act:
- (b) The members of the Council elected or appointed under paragraphs (e), (f), and (h) of subsection (1) of section 3 of the University of Otago Council Act 1946 shall go out of office at the expiration of the terms for which they were elected or appointed, or if they sooner vacate office under section 10 of this Act, and shall not be replaced:
- (c) The additional members of the Council to be elected or appointed under paragraphs (a), (c), and (d) of subsection (2) of section 5 of this Act shall for the first time be so elected or appointed in June, nineteen hundred and sixty-two.

7. Term of office—(1) Subject to the provisions of this Act, the members of the Council elected or appointed under paragraphs (a), (c), and (d) of subsection (2) of section 5 of this Act shall hold office for a term of four years, and all other elected or appointed members of the Council, except the additional members appointed under subsection (3) of section 5 of this Act, shall hold office for a term of two years. Except as provided in subsection (3) of section 5 and in section 9 of this Act, all such members may from time to time be re-elected or reappointed.

(2) Of the first members of the Council holding office under paragraph (a) of subsection (2) of section 5 of this Act, the term of one (being the member in office at the commencement of this Act who was first appointed) shall expire with the thirtieth day of June, nineteen hundred and sixty-three, and the term of the other two shall expire with the thirtieth day of June, nineteen hundred and sixty-five.

(3) Of the first members of the Council holding office under paragraph (c) of subsection (2) of section 5 of this Act, the term of three (being the members in office at the commencement of this Act who were first elected) shall expire with the thirtieth day of June, nineteen hundred and sixty-three, and the term of the remaining three shall expire with the thirtieth day of June, nineteen hundred and sixty-five.

(4) Of the first members of the Council holding office under paragraph (d) of subsection (2) of section 5 of this Act, the term of two (being the members in office at the commencement of this Act) shall expire with the thirtieth day of June, nineteen hundred and sixty-three, and the term of the remaining two shall expire with the thirtieth day of June, nineteen hundred and sixty-five.

(5) Except as provided in subsections (2), (3), and (4) of this section and in section 6 of this Act, the term of the elected or appointed members of the Council who were in office at the commencement of this Act shall expire with the thirtieth day of June, nineteen hundred and sixty-three.

(6) Notwithstanding anything to the contrary in any provision of this Act except section 6, every elected or appointed member of the Council, except an additional member appointed under subsection (3) of section 5 of this Act, unless he sooner vacates his office under section 10 of this Act, shall continue to hold office until his successor comes into office.

(7) Except in the case of elections or appointments to fill casual vacancies and appointments made under subsection (3) of section 5 of this Act, members elected or appointed

shall come into office on the first day of July next following the date specified in this section for their election or appointment.

(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 fourth Monday in June 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 second Monday in June in that year or as soon as practicable thereafter.

(10) If at the time prescribed by this Act 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 of the member who should have been elected or appointed.

8. Employees as Council members—(1) No person in the employment of the University shall be eligible for office as a member of the Council, otherwise than under paragraph (b) of subsection (2) of section 5 of this Act, unless he is a member appointed by the Senate or a member elected under paragraph (e) of subsection (2) of section 5 of this Act.

(2) A member of the Council who is in the employment of the University 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. 1946, No. 25, s. 5

9. 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.

10. 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 all meetings of the Council held during any three consecutive months; 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 Vice-Chancellor, 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 (other than a member appointed under subsection (3) of section 5 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. 1946, No. 25, s. 7

11. 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. 1946, No. 25, s. 6; 1954, No. 76, s. 74

12. Election of members—(1) The Registrar of the University, 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 University.

Cf. 1946, No. 25, s. 9

13. 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 24 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 Senate or any person; and the committee or the Senate 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.

Students and Examiners

14. 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 to matriculate at the University without further examination.

(2) The Council shall have power to decline to enrol any student at the University 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 by the student after a reasonable trial at the University or at any other University or University College of Agriculture; or
- (f) Insufficiency of accommodation or of teachers in the University or in a faculty or department of the University; or
- (g) The person not having satisfied any conditions prescribed by any course regulations within the meaning of the Universities Act 1961.

(3) The Council shall, as soon as practicable after the commencement of this Act, make a statute or statutes governing the persons and classes of persons who may be enrolled or refused enrolment as external students of the University, and the conditions under which, and the subjects and courses for which, they may be so enrolled or refused enrolment. The Council may from time to time make further statutes for all or any of the purposes specified in this subsection, and may by statute repeal or amend any statute made under this subsection. No statute made under this subsection shall come into force until it has been approved by the University Grants Committee.

(4) 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 University or in a faculty or department of the University 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.

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

(6) A person admitted to the status of the holder of a degree or other academic qualification or part thereof of the University shall not be deemed to be the holder of the degree or other academic qualification or part thereof, nor shall he be entitled to be enrolled as a graduate of the University, but he shall be entitled to proceed to any degree or other academic qualification of which the degree 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 degree or other academic qualification or part thereof is entitled so to proceed.

(7) Where a person who has been a student of another University and has matriculated at any University in New Zealand is admitted to the University of Otago, the Council of that University shall give him such credits as it considers appropriate for any units or subjects which he has already passed in New Zealand and with which he has been credited towards a degree or other academic qualification in his former University 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.

(8) Any person who is eligible to be admitted or who has been admitted to a degree of the University of New Zealand, or who has been admitted *ad eundem* at graduate status by the Senate of the University of New Zealand, shall be deemed to be of equivalent status in the University of Otago for the purpose of proceeding to a degree or other academic qualification of the University of Otago, and shall, subject to the course regulations for the degree or other academic qualification for which he is a candidate, be eligible to proceed to the degree or other academic qualification:

Provided that, in approving his personal course of study, the Senate may, at its discretion, require any such person to complete such supplementary courses as it thinks fit either

as a prerequisite to or concurrently with his course of study for the degree or other academic qualification for which he is a candidate.

(9) The provisions of subsection (8) of this section shall, with the necessary modifications, apply to any person who is eligible to be awarded, or who has been awarded a diploma of the University of New Zealand, or to any person who has been admitted *ad eundem* by the Senate of the University of New Zealand to the status of a holder of a diploma of that University.

15. Discipline—The Council shall have power to deal with all matters relating to the maintenance of discipline amongst the students of the University, and shall have powers of fining, suspending, and expelling students guilty of breaches of discipline.

16. Fees of examiners, etc.—The fee or stipend which the Council may pay to any examiner, assessor, or moderator appointed by it shall be in accordance with a scale fixed by the Council with the concurrence of the University Grants Committee.

The Vice-Chancellor and Acting Vice-Chancellor

17. Vice-Chancellor—(1) The Council may from time to time appoint some fit and proper person to be the Vice-Chancellor of the University of Otago.

(2) The Vice-Chancellor shall have the following functions, powers, and duties:

- (a) He shall be the academic and administrative head of the University:
- (b) He shall, by virtue of his office, be a member of the Council, Chairman of the Senate, a member of every faculty, and a member of every committee set up by the Council or the Senate:
- (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 Senate, exercise alone (but subject always to the control of the Council and to a right of appeal to the Senate) such of the powers of the Senate as may be prescribed in that behalf by statutes or regulations made under the authority of the principal Ordinance.

(3) The Vice-Chancellor may appoint any member of the Senate to attend in his place the meeting of any board, committee, or other body which is not constituted by or under the principal Ordinance or this Act (whether created by or under any other Act or otherwise) of which the Vice-Chancellor 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 Vice-Chancellor could have exercised had he been personally present. The fact that any member of the Senate so attends shall be sufficient evidence of his authority so to do.

18. Acting Vice-Chancellor—(1) On the occurrence from any cause of a vacancy in the office of Vice-Chancellor, or in the absence from New Zealand of the Vice-Chancellor, or while the Vice-Chancellor is incapacitated by sickness or otherwise, the Council may from time to time appoint a member of the Senate or some other person to be Acting Vice-Chancellor of the University of Otago while the vacancy, absence, or incapacity continues. Every person so appointed shall hold the office during the pleasure of the Council.

(2) All functions, powers, and duties vested in or exercisable by the Vice-Chancellor under this Act or any other Act or otherwise shall be vested in and exercisable by the Acting Vice-Chancellor at all times while he continues in that office.

The Senate

19. Constitution of Senate—(1) There shall be a Senate of the University of Otago.

(2) The Senate shall consist of:

(a) The Vice-Chancellor:

(b) The professors of the University:

(c) The librarian of the University:

(d) Such persons as the Council may from time to time, on the recommendation of the Senate, appoint to be members of the Senate.

(3) The Senate of the University of Otago constituted by this section is hereby declared to be the same body as the Professorial Board of the University of Otago constituted by section 11 of the University of Otago Council Act 1946; and every reference in any enactment or document to that Professorial Board shall hereafter be read as a reference to the said Senate.

Cf. 1946, No. 25, s. 11

20. Vice-Chairman of Senate—(1) The Senate may from time to time appoint one of its members to be the Vice-Chairman of the Senate.

(2) Whenever there is no Vice-Chancellor or Acting Vice-Chancellor in office, or in the absence of the Vice-Chancellor or Acting Vice-Chancellor for any reason, the Vice-Chairman so appointed shall have and may exercise and perform all the powers and duties of the Chairman of the Senate.

21. Meetings of Senate—(1) The person who is entitled in accordance with the provisions of section 17 or section 18 of this Act to be Chairman of the Senate 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 Vice-Chairman of the Senate shall preside at the meeting, and if he also is absent 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 Senate 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 Senate shall be decided by a majority of the valid votes recorded thereon.

(4) At every meeting of the Senate a quorum shall consist of such number of members as the Senate, 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 Senate shall have power to make rules as to the time and place of its meetings and the procedure thereat.

Cf. 1946, No. 25, s. 12

22. Proceedings of Senate not affected by vacancies, etc.—No act or proceeding of the Senate, or of any committee thereof, or of any person acting as a member of the Senate, shall be invalidated in consequence of there being a vacancy in the number of the Senate 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.

23. Functions of Senate—(1) The Senate shall be subject to the control of the Council and shall have power of its own motion, or at the request of the Council, to make recommendations and reports to the Council on any matter affecting the University.

(2) Without limiting the powers hereinbefore conferred, it is hereby declared that the Senate may make recommendations and reports with respect to:

- (a) The encouragement of research and scholarship and the furthering and coordination of the work of faculties and departments:
- (b) The courses of study at the University and the times of lectures and of examinations:
- (c) Rules as to the attendance of students:
- (d) Fellowships, scholarships, bursaries, prizes, and other University distinctions and awards, and examinations for degrees and other academic qualifications.

(3) The Senate shall have power to approve personal courses of study proposed by individual students:

Provided that the Senate 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. 1946, No. 25, s. 13

24. Senate may appoint committees—(1) The Senate may from time to time appoint standing or special committees.

(2) The Senate 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 Senate, exercise or perform those powers or duties in like manner and with the same effect as the Senate could itself have exercised or performed them:

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

(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 Senate.

25. Council to consult Senate and obtain consent on certain matters, etc.—(1) Notwithstanding anything to the contrary in the principal Ordinance or in this Act,—

- (a) The Council shall not make any statute or regulation or decision in relation to entrance to the University or to any course of study or to the prescription of any subject for any degree or other academic qualification or certificate, or to any fellowship, scholarship, bursary, prize, or award or the examination or qualification therefor, or to the admission or attendance of students, or to examinations and other academic tests, or to the appointment of examiners, assessors, or moderators, or to honorary degrees and other academic distinctions, or to the affiliation of any institution, or to any other academic matter, until it has first received and considered any recommendation that the Senate may make in that behalf, unless the Senate, having had a reasonable opportunity to make such a recommendation, has failed to do so:
- (b) Any such statute or regulation shall (where so required by any Act) be subject to the concurrence of the University Grants Committee or the Curriculum Committee:
- (c) The Council shall not confer on or award to any person any degree or diploma or other academic qualification, or any fellowship, scholarship, bursary, prize, or award, unless that person has been recommended therefor by the Senate.

(2) Subject to the foregoing provisions of this section and, when 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 degrees and other academic qualifications, certificates, fellowships, scholarships, bursaries, prizes, and awards of the University which the Council may confer or award, and with respect to general courses of study and personal courses of study for the same.

Financial Provisions

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

27. Money to be paid into bank—(1) All money received by the University amounting to ten pounds and upwards shall, as soon as practicable after it has come into the hands of the proper officer of the University, be paid into such bank account or accounts of the University 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 University approved by the Council and countersigned by a member of the Council, or by another officer of the University, 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

28. Loan money to be paid into a separate account—All money borrowed by the Council on behalf of or for the purposes of the University, other than money borrowed under section 38 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

29. Investment of money—Subject to the terms of any trust or endowment, any money belonging to or vested in the University 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.

30. 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 University of Otago Common Fund:
 - (b) A Reserve Fund to be known as the University of Otago Common Fund Reserve Fund:
 - (c) A Common Fund Income Account to be known as the University of Otago 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 29 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 29 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.

31. 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.

32. 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.

33. Unauthorised expenditure of Council—The Council may in any financial year of the University expend out of the general fund of the University 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 University from all sources for the immediately preceding financial year.

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

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

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

Cf. 1954, No. 74, s. 35

36. 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 University.

Cf. 1954, No. 74, s. 36

37. 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 University, 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 University or any institution controlled by the Council:
- (c) With the consent of the Minister of Education, sell or otherwise alienate any right, title, estate, or interest in any land vested in the University:
- (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 University:

- (e) Grant leases of any land vested in the University; 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 any land vested in the University 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 University 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 University 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 University out of money appropriated by Parliament for the purpose.

Cf. 1948, No. 68, s. 20

38. Power to borrow by way of overdraft or temporary loan—In addition to the powers conferred by section 37 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 purposes of the University:

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

Provided also that at the end of any financial year of the University the amount of the overdraft or loan shall not exceed the outstanding revenue due to the University in respect of that financial year.

Cf. 1954, No. 74, s. 38

Repeals and Amendments

39. Repeals and amendments—(1) The enactments mentioned in the First Schedule to this Act are hereby repealed.

(2) The principal Ordinance is hereby amended in the manner indicated in the Second Schedule to this Act.

(3) The principal Ordinance is hereby further amended by adding the Schedule set out in the Third Schedule to this Act.

(4) The principal Ordinance, as amended by the enactments specified in the First Schedule to this Act and as further amended by this Act, is set out in the Fourth Schedule to this Act.

(5) Section 11 of the Health Act 1956 is hereby amended by omitting from paragraph (f) of subsection (2) the words "University of Otago Council", and substituting the words "Council of the University of Otago".

SCHEDULES

FIRST SCHEDULE

Section 39 (1)

ENACTMENTS REPEALED

1869, No. 296—The University of Otago Ordinance Amendment Ordinance 1869 (Otago Provincial Ordinance).

1946, No. 25—The University of Otago Council Act 1946.

1950, No. 91—The Statutes Amendment Act 1950: Section 37.

1954, No. 50—The Criminal Justice Act 1954: So much of the First Schedule as relates to the University of Otago Council Act 1946.

Section 39 (2)

SECOND SCHEDULE

AMENDMENTS OF PRINCIPAL ORDINANCE

Section of Principal Ordinance	Amendment
1	<p>By omitting the words "consisting of a Council and Senate".</p> <p>By omitting the words "politic and".</p> <p>By omitting the words "the said Colony", and substituting the words "New Zealand".</p> <p>By omitting the word "take" where it first appears, and substituting the word "receive".</p> <p>By omitting the word "take" where it secondly appears.</p> <p>By omitting the words "body politic" where they secondly appear, and substituting the words "body corporate".</p> <p>By repealing the first proviso.</p> <p>By omitting the words "Provided further that", and substituting the words "Provided that except as provided in the University of Otago Amendment Act 1961 and any other Act".</p>
2	<p>By omitting the words "be nominated and appointed by the said Superintendent with the advice and consent of his Executive Council within six months after the passing of this Ordinance and shall consist of twelve Councillors of whom six at least shall be laymen and the said Council shall".</p> <p>By omitting the word "Vice-Chancellor" in each place where it occurs, and substituting in each case the words "Pro-Chancellor".</p>
5	<p>By omitting the words "or Senate respectively", and also the words "or at any meeting of the said Senate unless twenty members thereof be present".</p>
6	<p>By omitting the word "Vice-Chancellor" in each place where it occurs, and substituting in each case the word "Pro-Chancellor".</p> <p>By omitting the words "and at every meeting of the Senate the Warden shall preside as Chairman", and also the words "and in the absence of the Warden the members of the Senate present".</p>
7	<p>By inserting, after the words "subject to the", the words "University of Otago Amendment Act 1961 and any other Act and the".</p> <p>By repealing the proviso.</p>
8	<p>By repealing this section, and substituting the following section:</p> <p>"3. Statutes and regulations—The said Council shall have full power to make and alter any statutes and regulations which are in its opinion necessary or expedient for the administration of the affairs of the University (so as the same be not repugnant to any existing law or to the provisions of this Ordinance or in the case of regulations to any such statute):</p> <p>"Provided that no statute shall come into force until it has been approved by the Governor-General."</p>

SECOND SCHEDULE—*continued*
 AMENDMENTS OF PRINCIPAL ORDINANCE—*continued*

Section of Principal Ordinance	Amendment
9	By inserting, after the word "establishment" where it first appears, the words "situated within the Otago University District".
10	By adding, as subsections (2) and (3), the following subsections: "(2) All such statutes and regulations shall have effect according to their tenor, and shall be published by the Council. "(3) A copy of any such statute or regulation under the seal of the University shall be sufficient evidence in all Courts of the same and of its having been made and (where necessary) approved in accordance with this Ordinance."
11	By repealing this section, and substituting the following section: "11. Council to confer degrees—(1) The said Council shall have power to confer any degree or to award any other academic qualification specified in the Schedule to this Ordinance. "(2) The Council may from time to time, by statute, add to or omit from the list of degrees and other academic qualifications specified in the Schedule to this Ordinance the name or description of any degree or other academic qualification 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 degrees shall come into force until it has been approved by the University Grants Committee."
13	By repealing this section and substituting the following section: "13. Council to report annually—(1) The said Council shall during the month of April in every year report the proceedings of the University during the previous year to the Visitor, the Minister of Education, and the University Grants Committee. "(2) The Council shall also, as soon as practicable after the end of every financial year of the University furnish to the Minister of Education and to the University Grants Committee a statement of the assets and liabilities of the University as at the end of that financial year, 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."
14	By omitting the words "Superintendent of the said Province for the time being", and substituting the word "Governor-General".

Section 39 (3)

THIRD SCHEDULE

SCHEDULE TO PRINCIPAL ORDINANCE

SCHEDULE

DEGREES AND OTHER ACADEMIC QUALIFICATIONS

Degrees:

Bachelor and Master of Arts.
Bachelor and Doctor of Music.
Bachelor, Master, and Doctor of Science.
Bachelor, Master, and Doctor of Laws.
Bachelor and Master of Commerce.
Bachelor of Divinity.
Bachelor and Master of Engineering.
Bachelor and Master of Home Science.
Bachelor of Medicine and Bachelor of Surgery.
Master of Surgery.
Doctor of Medicine.
Bachelor and Master of Medical Science.
Bachelor, Master, and Doctor of Dental Surgery.
Doctor of Philosophy.
Doctor of Literature.
Bachelor of Pharmacy.

Diplomas in:

Diagnostic Radiology.
Education.
Home Science.
Land Surveying.
Microbiology.
Music.
Obstetrics.
Physical Education.
Public Health.
Diploma of Associate of the Otago School of Mines.

FOURTH SCHEDULE

Section 39 (4)

UNIVERSITY OF OTAGO ORDINANCE 1869

IN THE THIRTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

SESSION XXV. No. 280

ANALYSIS

<p>Title Preamble 1. Constitution of University 2. Chancellor and Pro-Chancellor 3. Custody of seal 4. . . . 5. Questions how decided 6. Chairmanship of Council</p>	<p>7. Council to have entire management of the University 8. Statutes and regulations 9. Colleges may be affiliated 10. Statutes, etc., upon whom binding 11. Council to confer degrees 12. No religious test to be administered 13. Council to report annually 14. Governor-General to be Visitor Schedule</p>
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An Ordinance to incorporate the University of Otago

[3 June 1869

WHEREAS it is expedient to promote sound learning in the Province of Otago in the Colony of New Zealand and with that intent to establish and incorporate a University at Dunedin in the said Province of Otago open to all classes and denominations of Her Majesty's subjects:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago by and with the advice and consent of the Provincial Council thereof as follows:

1. Constitution of University—A University shall be established at Dunedin aforesaid and when duly constituted and appointed according to the provisions of this Ordinance shall be a body corporate by the name of the University of Otago and by that name shall have perpetual succession and shall adopt and have a common seal and shall by the same name sue and be sued, plead and be impleaded, answer and be answered unto in all Courts of New Zealand, and shall be capable in law to receive, purchase, and hold all goods, chattels, and personal property whatsoever and shall also be able and capable in law to receive, purchase, and hold for ever not only such lands, buildings, hereditaments, and possessions as may from time to time be exclusively used and occupied by the said University for its immediate requirements but also any other lands, buildings, hereditaments, and possessions whatsoever situate in the said province or elsewhere, and shall be able and capable in law to grant, demise, alienate, or otherwise dispose of all or any of the property, real or personal, belonging to the said University, and also to do all other matters and things incidental or appertaining to a body corporate:

FOURTH SCHEDULE—*continued*

Provided that, except as provided in the University of Otago Amendment Act 1961 and any other Act, it shall not be lawful for the said University to alienate, mortgage, charge, or demise any lands, tenements, or hereditaments of which it shall have become seized or to which it may become entitled by grant purchase or otherwise unless with the approval of the Minister of Education for the time being, except by way of lease for any term not exceeding twenty-one years from the time when such lease shall be made and in and by such lease there shall be reserved the highest rent that can be reasonably obtained for the lands, tenements, and hereditaments expressed to be thereby demised without fine.

2. Chancellor and Pro-Chancellor—The Council of the said University shall elect out of their own body a Chancellor and a Pro-Chancellor for such period respectively not exceeding in either case three years as the said Council shall fix and determine; and whenever a vacancy shall occur in the office of Chancellor or Pro-Chancellor either by death, resignation, or expiration of tenure or otherwise the said Council shall elect out of their own body a Chancellor or Pro-Chancellor, as the case may be, instead of the Chancellor or Pro-Chancellor occasioning such vacancy.

3. Custody of Seal—The seal of the University shall be entrusted to the Chancellor and shall not be affixed to any document except by order of the Council.

5. Questions how decided—All questions which shall come before the said Council shall be decided by the majority of the members present; and the Chairman at any such meeting shall have a vote and in case of any equality of votes a casting vote also and no question shall be decided at any meeting of the said Council unless six members thereof be present.

6. Chairmanship of Council—At every meeting of the Council the Chancellor or in his absence the Pro-Chancellor shall preside as Chairman, and in the absence of the Chancellor and Pro-Chancellor the members of the Council present shall elect a Chairman.

7. Council to have entire management of University—The said Council shall have full power to appoint and dismiss all professors, officers, and servants of the said University, and shall have the entire management and superintendence over the affairs, concerns, and property thereof subject to the University of Otago Amendment Act 1961 and any other Act and the statutes and regulations of the said University.

8. Statutes and regulations—The said Council shall have full power to make and alter any statutes and regulations which are in its opinion necessary or expedient for the administration of the affairs of the University (so as the same be not repugnant to any existing law or to the provisions of this Ordinance or in the case of regulations to any such statute):

Provided that no statute shall come into force until it has been approved by the Governor-General.

FOURTH SCHEDULE—*continued*

9. Colleges may be affiliated—It shall be lawful for the said University to make any statutes for the affiliation to or connection with the same of any College or Educational Establishment situated within the Otago University District to which the governing body of such College or Establishment may consent:

Provided always that no such statutes shall affect the religious observances or regulations enforced in such Colleges or Educational Establishments.

10. Statutes, etc., upon whom binding—(1) All such statutes and regulations as aforesaid shall be reduced to writing and the common seal of the said University having been affixed thereto shall be binding upon all persons members of the said University and upon all candidates for degrees to be conferred by the same.

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

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

11. Council to confer degrees—(1) The said Council shall have power to confer any degree or to award any other academic qualification specified in the Schedule to this Ordinance.

(2) The Council may from time to time, by statute, add to or omit from the list of degrees and other academic qualifications specified in the Schedule to this Ordinance the name or description of any degree or other academic qualification 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 degrees shall come into force until it has been approved by the University Grants Committee.

12. No religious test to be administered—No religious test shall be administered to any person in order to entitle him to be admitted as a student of the said University or to hold office therein or to graduate thereat or to hold any advantage or privilege thereof.

13. Council to report annually—(1) The said Council shall during the month of April in every year report the proceedings of the University during the previous year to the Visitor, the Minister of Education, and the University Grants Committee.

(2) The Council shall also, as soon as practicable after the end of every financial year of the University, furnish to the Minister and to the University Grants Committee a statement of the assets and liabilities of the University as at the end of that financial year, 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.

14. Governor-General to be Visitor—The Governor-General shall be the Visitor of the said University and shall have authority to do all things which appertain to Visitors as often as to him shall seem meet.

FOURTH SCHEDULE—*continued*

SCHEDULE

DEGREES AND OTHER ACADEMIC QUALIFICATIONS

Degrees:

Bachelor and Master of Arts.
Bachelor and Doctor of Music.
Bachelor, Master, and Doctor of Science.
Bachelor, Master, and Doctor of Laws.
Bachelor and Master of Commerce.
Bachelor of Divinity.
Bachelor and Master of Engineering.
Bachelor and Master of Home Science.
Bachelor of Medicine and Bachelor of Surgery.
Master of Surgery.
Doctor of Medicine.
Bachelor and Master of Medical Science.
Bachelor, Master, and Doctor of Dental Surgery.
Doctor of Philosophy.
Doctor of Literature.
Bachelor of Pharmacy.

Diplomas in:

Diagnostic Radiology.
Education.
Home Science.
Land Surveying.
Microbiology.
Music.
Obstetrics.
Physical Education.
Public Health.
Diploma of Associate of the Otago School of Mines.

This Act is administered in the Department of Education.
