

## LINCOLN COLLEGE BILL

### EXPLANATORY NOTE

THIS Bill is one of a series of eight Bills that provide a new basis for the operation of the Universities and University Colleges of Agriculture in New Zealand. These Bills are:

- (1) The Universities Bill:
- (2) The University of Otago Amendment Bill:
- (3) The University of Canterbury Bill:
- (4) The University of Auckland Bill:
- (5) The Victoria University of Wellington Bill:
- (6) The Lincoln College Bill:
- (7) The Massey College Bill:
- (8) The Law Practitioners Amendment Bill.

For some years there has been in New Zealand a movement away from the system of a federal University with constituent colleges towards a system of separate Universities. A number of steps in this direction have already been taken by the Senate of the University of New Zealand. The control of courses of study and the arrangement of examinations have been largely vested in the individual Universities; and in 1957 Acts were passed changing the names of the University colleges to Universities. A further step was taken last year when an Act was passed to establish a new University Grants Committee to advise the Government on the planning of University education on a national basis. The Committee on New Zealand Universities which reported in December 1959 agreed that this devolution should proceed as quickly as possible, and the Senate of the University of New Zealand has made recommendations to the Government that the recommendations of the Committee on New Zealand Universities should be implemented.

The Universities Bill provides for the dissolution of the University of New Zealand and the transfer of some of its functions, including the power to confer degrees and diplomas, to the individual Universities, most of its remaining functions being vested in the University Grants Committee. The Bill re-enacts with minor modifications the provisions of the University Grants Committee Act 1960, and also provides for a new Universities Entrance Board to maintain a common educational standard for admission to the Universities. It contains provisions for the continuation of a Curriculum Committee to coordinate the development of courses for degrees and diplomas. The Committee's main purpose will be to maintain reasonable parity of the academic content of degree and diploma courses, and to safeguard the interests of students transferring from one University to another. Other clauses enable the University Grants Committee to award scholarships and distribute the Government grant for research.

The six Bills for the individual Universities and University Colleges of Agriculture are substantially a re-enactment and consolidation of previous legislation, but, in addition to giving the Universities power to confer their own degrees, they provide for a reconstitution of the governing Councils. They also make provision for a new relationship between Massey College and the Victoria University of Wellington and between Lincoln College and the University of Canterbury which becomes necessary on the dissolution of the University of New Zealand.

The Law Practitioners Amendment Bill makes provision for the special problems of legal education arising from the disappearance of the Senate of the University of New Zealand.

*Clauses 1 and 2* of the Lincoln College Bill relate to its Short Title and interpretation.

*Clause 3* provides for the constitution of the College, and the change of its name from the Canterbury Agricultural College to Lincoln College. It will in future be described as a University College of Agriculture instead of as an agricultural college.

*Clause 4* defines the relationship of the College with the University of Canterbury.

*Clause 5* provides that the Minister of Education shall be the Visitor of the College.

*Clause 6* reconstitutes the Council of the College with membership as defined in *subclause (2)* of that clause.

*Clause 7* contains provisions covering the transition to the reconstituted Council.

*Clauses 8 to 16* contain normal provisions relating to the term of office of Council members, the disqualification of employees as Council members, the disqualifications for membership of the Council, the filling of casual vacancies in the Council, the effect of vacancies in the number of the Council, the election of members of the Council, the holding of meetings and special meetings of the Council, and the appointment of committees.

#### *Powers of the Council*

*Clause 17* declares that the Council shall be the governing body of the College, and confers on it wide general powers.

*Clause 18* confers on the Council express power to appoint professors, lecturers, and other staff, but stipulates that the Vice-Chancellor of the University of Canterbury or his nominee must be a member of any committee set up by the Council to consider and report with respect to any appointment to any Chair.

*Clause 19* confers on the Council power to provide courses in agriculture and agricultural science, and such other courses as it deems fit. Subject to *clause 37* of the University of Canterbury Bill, the Council is authorised, after examination, to make recommendations to the Council of the University of Canterbury for the conferment of such degrees and other academic qualifications as the last-mentioned Council has power to confer or award. The Council is also authorised, without reference to the Council of the University of Canterbury, to grant diplomas and certificates in agriculture and agricultural science and related fields of study.

*Clause 20* gives the Council further power to award fellowships, scholarships, bursaries, and prizes, and to make other awards.

*Clause 21* authorises the Council to provide lectures and instruction for members of the public, and to award certificates to those persons.

*Clause 22* authorises the Council to make statutes and regulations for the administration of the affairs of the College. Statutes require to be approved by the Governor-General; and, except where expressly specified, the Council is left free to proceed by either statute or regulations, as it chooses.

*Clauses 23* contains normal provisions regarding the custody and use of the seal of the College.

*Clause 24* defines the rights of academically qualified persons to matriculate at the University of Canterbury for the purposes of pursuing a course of study at Lincoln College, and clarifies the rights of a student who seeks to transfer from Massey College to Lincoln College.

#### *Chairman and Deputy Chairman of Council*

*Clauses 25 to 27* contain normal provisions in respect of the appointment of a Chairman and Deputy Chairman of the Council, and the right to preside at meetings of the Council.

#### *The Principal and Vice-Principal*

*Clauses 28 and 29* provide for the appointment of a Principal, a Vice-Principal, and an Acting Principal of the College, and define their functions.

#### *The Professorial Board*

*Clauses 30 to 36* contain standard provisions in respect of the constitution of the Professorial Board, the appointment of the Chairman of the Professorial Board, meetings of the Professorial Board, the effect of vacancies on the Professorial Board, the functions of the Professorial Board, the right of the Professorial Board to appoint committees, and the duty of the Council to consult the Professorial Board on academic matters.

#### *Financial Provisions*

*Clause 37* requires benefactions to be strictly applied.

*Clause 38* specifies the purposes for which the income and capital of the College may be applied.

*Clauses 39 to 42* provide for the banking of money belonging to the College, for the payment of loan money into a separate bank account, for the investment of money belonging to the College, and for the establishment of a Common Fund investment scheme.

*Clauses 43 and 44* authorise the payment of travelling allowances and expenses of members of the Council, and provide for insuring them against personal accident while they are engaged in their duties.

*Clause 45* makes provision for unauthorised expenditure of the Council.

*Clause 46* authorises the Council to prescribe the fees payable by the students of the College or any of them. Scales of tuition and examination fees may be so prescribed only with the consent of the University Grants Committee.

*Clause 47* authorises the Council to impose and collect fees for the benefit of any association or organisation of students of the College.

*Clause 48* authorises the Council to make grants or loans to associations or organisations of staff or students of the College.

*Clauses 49 and 50* give the Council wide powers to acquire, administer, and dispose of property, and to conduct experimental and other farming operations and research.

*Clause 51* gives the Council power to borrow by way of overdraft or temporary loan.

*Clause 52* requires the Council to make to the Minister of Education and the University Grants Committee an annual report which will be laid before Parliament in conjunction with the report of the University Grants Committee.

*Repeals, Amendments, and Savings*

*Clauses 53 and 54* make consequential amendments and repeals.

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*Hon. Mr Tennent*

## LINCOLN COLLEGE

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## A BILL INTITULED

### An Act to consolidate and amend certain enactments of the General Assembly relating to Lincoln College, formerly known as the Canterbury Agricultural College

BE IT ENACTED by the General Assembly of New Zealand 5  
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 Lincoln College Act 1961.

(2) This Act shall come into force on the first day of 10  
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,— 15

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

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

“The Council” means the Lincoln College Council constituted under this Act: 20

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

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

5 “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:

10 “Lecturer” means a member of the staff of Lincoln 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:

15 “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:

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

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

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

30 “The Registrar” means the Registrar of Lincoln College.  
Cf. 1930, No. 31, s. 2

**3. Constitution of College**—(1) There shall be, as a constituent college of the University of Canterbury, a University College of Agriculture to be called Lincoln College.

35 (2) The objects of the College shall be:

(a) To provide regular courses of education in agriculture and agricultural science and related fields:

40 (b) To promote research and the advancement of science and learning:

(c) To organise, improve, and extend education of a University standard:

45 (d) Generally to do whatever the Council thinks expedient in order that the College may best accomplish the said objects.

(3) 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 University of Canterbury 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.

(4) 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.

(5) The College established under this Act is hereby declared to be the same institution as the institution that immediately before the commencement of this Act was usually known as the Canterbury Agricultural College, and was constituted under that name by section 45 of the Canterbury College and Canterbury Agricultural College Act 1896. The corporate identity of the said institution shall not be affected, notwithstanding any change in its name or constitution effected by this Act.

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

Cf. 1930, No. 31, s. 3

**4. College part of University of Canterbury for certain purposes**—The College shall be deemed to be part of the University of Canterbury 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, or any related field of study at Lincoln College, being a degree or other academic qualification of the University of Canterbury; 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 University of Canterbury and being for a degree or other academic qualification not in agriculture or agricultural science.

Cf. 1930, No. 31, s. 4

**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. 1930, No. 31, s. 5

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

(2) The Council shall consist of:

(a) One member to be appointed by the Governor-General:

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

(i) The Vice-Principal; or

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

(c) Two members to be elected by such of the members of the House of Representatives as for the time being represent electoral districts within the South Island:

(d) Two members to be appointed by the Council of the University of Canterbury:

(e) Such number of members (not exceeding two) as the Council from time to time thinks fit, to be appointed by the Council, which members shall each hold office for such term not exceeding three years as the Council may specify when making the appointment:

- (f) Three members, not being persons in the employment of the Council, and of whom not more than one shall be in the Government service, to be elected by the graduates of the University of New Zealand, and of the University of Canterbury, whose names are 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 from time to time determines, being persons and classes of persons who have completed courses extending over not less than one academic year: 5
- (g) Four members to be appointed by Federated Farmers of New Zealand (Incorporated), of which members one member shall be appointed on the joint recommendation of the Provincial Executives of its Nelson, Marlborough, Golden Bay, and West Coast Branches; one member shall be appointed on the joint recommendation of the Provincial Executives of its North Canterbury, Mid-Canterbury, and South Canterbury Branches; one member shall be appointed on the joint recommendation of the Provincial Executives of its North Otago and Otago Branches; and one member shall be appointed on the recommendation of the Provincial Executive of its Southland Branch: 10 15 20 25
- (h) One member, being a member of the Professorial Board, to be appointed by the Professorial Board: Provided that, while any member of the Council appointed under this paragraph is the Vice-Principal or the Acting Principal, the Professorial Board may from time to time appoint another member of the Professorial Board to be a deputy member of the Council: 30
- (i) One member, being a member of the Professorial Board, to be elected by the lecturers of the College who are not members of the Professorial Board. 35
- (3) Upon any person completing six consecutive years as a member of the Council appointed under paragraph (e) 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. 40

(4) Where at the time of closing of the roll of electors prepared for the purposes of any election under paragraph (c) of subsection (2) of this section there are, by reason of the dissolution or expiry of the then last Parliament, no

5 members of the House of Representatives in office, the persons who were in office as members of the House of Representatives immediately before the dissolution or expiry shall be deemed for the purposes of the said election to have remained in office.

10 (5) Every deputy member of the Council appointed under the proviso to paragraph (h) 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 Vice-Principal or the Acting Principal at any time while the Vice-Principal or the Acting Principal is a member of the Council by virtue of paragraph (b) of the said subsection (2) :

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(b) Hold office as a deputy member of the Council until the expiration of the term for which the Vice-Principal or the Acting Principal has been appointed as a representative of the Professorial Board under the said paragraph (h), or until the Vice-Principal or the Acting Principal or the deputy member dies or ceases to be a member of the Professorial Board,

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25 or until the deputy member resigns that office whichever first occurs.

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

30 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, when he shall forthwith go out of office; and if he vacates office as aforesaid the casual vacancy so arising may be filled as if all

35 the other provisions of this Act had not been passed.

(2) Before the thirty-first day of December, nineteen hundred and sixty-one, the following members shall be elected

40 or appointed under subsection (2) of section 6 of this Act:

- (a) The member to be appointed under paragraph (a) of the said subsection (2) :
- (b) The two members to be appointed under paragraph (d) of the said subsection (2) :
- (c) One of the members to be elected under paragraph (f) of the said subsection (2) : 5
- (d) Two of the members to be appointed under paragraph (g) of the said subsection (2), of which members one shall be appointed on the joint recommendation of the Provincial Executives of the North Canterbury, Mid-Canterbury, and South Canterbury Branches of Federated Farmers of New Zealand (Incorporated), and the other shall be appointed on the joint recommendation of the Provincial Executives of the Otago and North Otago Branches of Federated Farmers of New Zealand (Incorporated): 10
- (e) The member to be appointed under paragraph (h) of the said subsection (2) :
- (f) The member to be elected under paragraph (i) of the said subsection (2). 20
- (3) In the month of December, nineteen hundred and sixty-two, the following members shall be elected or appointed under subsection (2) of section 6 of this Act: 25
  - (a) One of the members to be elected under paragraph (c) of the said subsection (2) :
  - (b) Another of the members to be elected under paragraph (f) of the said subsection (2) :
  - (c) Another of the members to be appointed under paragraph (g) of the said subsection (2), which member shall be appointed on the joint recommendation of the Provincial Executives of the Nelson, Marlborough, Golden Bay, and West Coast Branches of Federated Farmers of New Zealand (Incorporated). 30
- (4) In the month of December, nineteen hundred and sixty-three, the following members shall be elected or appointed under subsection (2) of section 6 of this Act: 35
  - (a) The other of the members to be elected under paragraph (c) of the said subsection (2) :
  - (b) The remaining member to be elected under paragraph (f) of the said subsection (2) : 40

(c) The remaining member to be appointed under paragraph (g) of the said subsection (2), which member shall be appointed on the recommendation of the Provincial Executive of the Southland Branch of Federated Farmers of New Zealand (Incorporated).

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**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.

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(2) Of the first members to be appointed under paragraph (d) of subsection (2) of section 6 of this Act, one shall be appointed for a term ending with the thirty-first day of December, nineteen hundred and sixty-two, and the other shall be appointed for a term ending with the thirty-first day of December, nineteen hundred and sixty-three.

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(3) The first member to be appointed under paragraph (h) of subsection (2) of section 6 of this Act shall hold office for a term ending with the thirty-first day of December, nineteen hundred and sixty-two.

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(4) Notwithstanding anything to the contrary in any provision of this Act except 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.

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(5) 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.

(6) 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.

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(7) 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.

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(8) 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.

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**9. Employees as Council members**—(1) No person in the employment of the College or of the University of Canterbury shall be eligible for office as a member of the Council, unless he is the Principal, a member appointed by the Professorial Board, a member elected by the lecturers who are not members of the Professorial Board, or a member appointed by the Council of the University of Canterbury: 5

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: 10

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. 15

(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. 20

Cf. 1933, No. 27, s. 7

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**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: 30
- (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. 35

**11. Casual vacancies in Council**—(1) If any elected or appointed member of the Council— 40

- (a) Dies; or

- (b) Resigns his office by writing under his hand delivered to the Registrar; or
- (c) Is absent without leave from three consecutive meetings of the Council; or
- 5 (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
- 10 (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.

- 15 (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 by the Council under paragraph (d) 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
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- 25 hold office for only the residue of the term of the vacating member.

Cf. 1930, No. 31, s. 9

**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
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- 35 so acting, or that he was incapable of being or had ceased to be such a member.

Cf. 1930, No. 31, s. 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
- 40 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. 1930, No. 31, s. 11

**14. Meetings of Council**—(1) The Council shall meet at such times and places as it determines: 5

Provided that it shall meet at least once in the month of February in each year.

(2) At any meeting of the Council five members shall form a quorum, and no business shall be transacted unless a 10 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 15 a majority of the votes of the members present at the meeting of the Council and entitled to vote on that question.

Cf. 1930, No. 31, ss. 12, 13

**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 three members. 20

(2) Notice of any such meeting shall be posted to each member at his usual address at least three days before the date of the meeting. 25

Cf. 1930, No. 31, s. 14

**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 30 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 35 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 40 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. 1930, No. 31, s. 15

10 *Powers of the 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 that Board may make in that behalf, unless that Board, having had reasonable opportunity to make such recommendations, has failed to do so.

Cf. 1930, No. 31, s. 16

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 any other institution controlled by the Council:

Provided that the Vice-Chancellor of the University of Canterbury 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. 5

Cf. 1930, No. 31, s. 17

**19. Provision of courses and conferment of degrees and other academic qualifications—**(1) The Council may provide courses in agriculture and agricultural science, and such other courses as it deems fit; and, subject to the provisions of section 37 of the University of Canterbury Act 1961, may, after examination, make recommendations to the Council of the University of Canterbury for the conferment or award of such degrees and other academic qualifications as the last-mentioned Council has power to confer or award. 10 15

(2) The Council may, without reference to the Council of the University of Canterbury, award any diploma specified in the First Schedule to this Act. 20

(3) Without reference to the Council of the University of Canterbury, 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: 25

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 University of Canterbury, grant certificates in agriculture and agricultural science and related fields of study. 30

Cf. 1930, No. 31, s. 19

**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. 35

**21. Lectures to members of the public—**The Council shall have power to provide such lectures and instruction for any persons, whether or not they are members of the University, as it thinks fit, and on such conditions as it thinks fit, and may award certificates to any of them. 40

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.

5 (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  
10 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  
15 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 section 37 of the University of Canterbury Act 1961 and, where required by any Act, to the consent of the University  
20 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 which the Council may award or recommend for conferment or  
25 award, and with respect to the 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  
30 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  
35 same and of its having been made and (where necessary) approved in accordance with this section.

Cf. 1931, No. 30, s. 20

23. **Seal of the College**—The seal of the College shall be in the custody of the Registrar or such other officer as the  
40 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.

45 Cf. 1930, No. 31, s. 18

**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 University of Canterbury for the purpose of pursuing a course of study at the College. 5

(2) The Council shall have power to decline to enrol any student at the College, or in a particular subjects course or courses, or in classes in a particular subject or subjects on the ground of— 10

- (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 15
- (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 20
- (e) Insufficient academic progress by the student after a reasonable trial at the College or at any University or other University College of Agriculture; or 25
- (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. 30

(3) For the purposes of paragraph (f) of subsection (2) of this section the Council may, if it things 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. 35 40

(4) Where any person has obtained in any University or other place of learning any academic qualification or part thereof substantially 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 Massey College is admitted to Lincoln 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 Massey 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 Deputy Chairman of Council*

**25. Chairman of the Council**—(1) At its first meeting held in the month of February, nineteen hundred and sixty-two, and in every third year thereafter, the Council shall elect one of its members to be the Chairman of the Lincoln College Council:

Provided that the Principal or a member of the Council appointed by the Professorial Board or elected by the lecturers who are not members of the Professorial Board shall not be so elected.

(2) Unless 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, 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:

Provided that, upon any person completing two consecutive terms each of three years as Chairman, he shall cease to be eligible for re-election as Chairman until after the lapse of one year during which he did not hold that office.

(3) If the Chairman 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 the Chairman for the remainder of the term. 5

(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. 10

Cf. 1930, No. 31, s. 13

**26. Election of Deputy Chairman**—(1) The Council shall at its first meeting held in the month of February in each year elect one of its members who is eligible for election as Chairman to be the Deputy Chairman of the Lincoln College Council. 15

(2) Unless the Deputy 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, he shall continue to hold the office of Deputy Chairman until his successor is elected, and (subject to the provisions of section 10 of this Act) shall be eligible for re-election. 20

(3) If the Deputy Chairman is elected to be the Chairman, or ceases to be a member of the Council, he shall thereupon vacate the office of Deputy Chairman. 25

(4) If the Deputy Chairman during his term of office vacates that office as aforesaid, the Council may elect one of its members to be the Deputy Chairman of the Lincoln College Council for the remainder of the term. 30

(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 Deputy Chairman shall have and may exercise and perform all the powers and duties of the Chairman. 35

**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 Deputy Chairman shall preside at the meeting; and if the Deputy Chairman 40

also is not present at the meeting or there is no Deputy Chairman, the Council shall appoint some member present to preside at that meeting. The Deputy 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. 1930, No. 31, s. 13 (1)

*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 Lincoln College:

Provided that the Vice-Chancellor of the University of Canterbury 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. 5

Cf. 1930, No. 31, s. 21

**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. 10

(2) The Vice-Principal may exercise such of the Principal's functions, powers, and duties, whether arising by any Act or otherwise, as the Principal either specially or generally may from time to time delegate to the Vice-Principal. 15

(3) During any vacancy in the office of Principal, or in the absence from New Zealand of the Principal, or while he is incapacitated by sickness or otherwise, the Vice-Principal shall be Chairman of the Professorial Board and may exercise such other of the Principal's functions, powers, and duties, whether arising by any Act or otherwise, as the Council may determine: 20

Provided that, if at the time when the vacancy, absence, or incapacity occurs there is no Vice-Principal, the Council may appoint a member of the Professorial Board or some other person to be Acting Principal of the College during the pleasure of the Council and while the vacancy, absence, or incapacity continues, and the Acting Principal shall be Chairman of the Professorial Board and may exercise such other of the Principal's functions, powers, and duties, whether arising by any Act or otherwise, as the Council may determine. 30

#### *The Professorial Board*

**30. Constitution of Professorial Board**—(1) There shall be a Professorial Board of the Lincoln College. 35

(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: 40



(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:

5 (e) Three members of the Professorial Board of the University of Canterbury 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 re-

10 appointed.

Cf. 1930, No. 31, s. 22

**31. Chairman of Professorial Board**—(1) Whenever there is no Principal, Vice-Principal, or Acting Principal in office, the Professorial Board shall, at its first meeting held thereafter, and at its first meeting held in the month of November 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.

15 (2) The person so appointed shall hold office until the appointment of a Principal, Vice-Principal, or Acting Principal or until the election or appointment of his successor under this section, whichever happens first, and shall be eligible for re-election or re-appointment, 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, 29, 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.

30 (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.

35 (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 five members or such other 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

(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:

Provided that it shall meet at least once in the month of November in each year. 10

Cf. 1930, No. 31, s. 23

**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. 15 20

**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: 25

(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: 30 35

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: 40

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. 1930, No. 31, s. 24

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

10 (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, 15 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.

25 (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 University of Canterbury shall make any statute or regulation or decision in relation to entrance to the 35 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 40 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. 5

**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. 10

Cf. 1930, No. 31, s. 25

**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. 15 20

(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: 25

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. 30 35

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  
5 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  
10 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.

15 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:

20 (a) A Common Fund to be known as the Lincoln College Common Fund:

(b) A Reserve Fund to be known as the Lincoln College Common Fund Reserve Fund:

(c) A Common Fund Income Account to be known as the Lincoln College Common Fund Income Account.

25 (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  
30 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

35 (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  
40 be vested 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 the fair market value of the investment at the time of the transfer. Upon any investment being so transferred it shall cease to form part of the trust estate to which it formerly belonged. 5 10

(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. 15

(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. 20

(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: 25

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. 30

(8) The Council shall also each year pay into the said Reserve Fund— 35

(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: 40

(b) All capital gains arising in connection with the said Common Fund. 45

(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 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: 50

(a) Towards augmenting the capital of the said Reserve Fund: 55

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

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

5 (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  
10 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.

30 **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 Travel-  
35 ling 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.

40 **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.

Cf. 1930, No. 31, s. 27; 1954, No. 74, s. 32

**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. 5  
10

Cf. 1930, No. 31, s. 28

**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: 15

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

Cf. 1930, No. 31, s. 29

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**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. 25

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. 30

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: 35



- 5 (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:
- 10 (b) Purchase, take on lease, or otherwise acquire any real or personal property for any purposes whatsoever in connection with the College:
- 15 (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:
- 20 (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:
- 25 (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:
- 30 (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—
- 35 (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:
- 40 (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. 5

(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. 10

Cf. 1948, No. 68, s. 20; 1930, No. 31, ss. 34, 35

**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: 15

(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: 20

(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: 25 30

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. 35

Cf. 1930, No. 31, s. 33

52. **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 progress of the College during  
5 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 and to the University Grants Committee a statement of the assets and liabilities of the College as at the end of  
10 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.

*Repeals, Amendments, and Savings*

15 53. **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 “Canterbury Agricultural College” where they appear in paragraph (h) of the definition of the  
20 term “rateable property”, and substituting the words “Lincoln College”.

(2) The Local Authorities (Members’ Contracts) Act 1954 is hereby amended—

25 (a) By repealing so much of Part II of the First Schedule as relates to the Board of Governors of Canterbury Agricultural College:

(b) By inserting in its appropriate alphabetical order the following item:

30 “The Lincoln College | 1961, No. 00—The Lincoln  
Council | College Act 1961.”

54. **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  
35 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 regu-  
40 lations 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 con-  
45 text, be read as a reference to a regulation made under the corresponding provisions of this Act.

**SCHEDULES**Section 19FIRST SCHEDULE

## DIPLOMAS

*Diplomas in:*

Agriculture.  
Valuation and Farm Management.  
Agricultural Engineering.  
Horticulture.

Section 54 (1)SECOND SCHEDULE

## ENACTMENTS REPEALED

- 1930, No. 31—The Canterbury Agricultural College Act 1930.  
1932, No. 11—The Finance Act 1932: So much of the First Schedule as relates to the Canterbury Agricultural College Act 1930.  
1934-35, No. 49—The Canterbury Agricultural College Amendment Act 1934-35.  
1944, No. 25—The Statutes Amendment Act 1944: Section 4.  
1949, No. 21—The Canterbury Agricultural College Amendment Act 1949.  
1950, No. 91—The Statutes Amendment Act 1950: Sections 5 and 6.  
1954, No. 9—The Canterbury Agricultural College Amendment Act 1954.  
1954, No. 50—The Criminal Justice Act 1954: So much of the First Schedule as relates to the Canterbury Agricultural College Act 1930.  
1958, No. 56—The Canterbury Agricultural College Amendment Act 1958.