

## MASSEY UNIVERSITY COLLEGE OF PALMERSTON NORTH BILL

---

### EXPLANATORY NOTE

THIS Bill provides that Massey College and the branch of the Victoria University of Wellington at Palmerston North shall be united to form a University College associated with the Victoria University of Wellington, to be called the Massey University College of Palmerston North. The Bill follows the general pattern of the Acts passed last year in respect of the existing Universities and University Colleges of Agriculture.

*Clauses 1 and 2* of the Bill relates to its Short Title and interpretation.

*Clauses 3 and 4* provide for the constitution of the new College and establish its Court of Convocation.

*Clause 5* defines the relationship of the College with the Victoria University of Wellington.

*Clause 6* provides that the Minister of Education shall be the Visitor of the College.

*Clause 7* constitutes the Council of the College with membership as defined in *subclause (2)* of that clause.

*Clauses 8 to 16* contain special provisions for the appointment of the first Council and 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 Victoria University of Wellington 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, agricultural science, food technology, and veterinary science. The Council of the College is also authorised to provide certain courses for the degrees of Bachelor of Arts and Bachelor of Science. It is also authorised, with the approval of the University Grants Committee, to provide other courses for degrees or other academic qualifications which the Council of the Victoria University of Wellington can confer or award.

*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.

*Clause 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 Victoria University of Wellington for the purpose of pursuing a course of study at the Massey University College of Palmerston North, and clarifies the rights of a student who seeks to transfer from Lincoln College to the Massey University College of Palmerston North.

#### *Chairman and Vice-Chairman of Council*

*Clauses 25 to 27* contain normal provisions in respect of the appointment of a Chairman and Vice-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 and a Vice-Principal of the College, and define their functions. Special provisions are made regarding the appointment of the first Principal of the new College and safeguarding, as far as possible, the rights of the Principals of the two existing institutions at Palmerston North.

#### *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 the insuring of members 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* authorises the Council to make loans to students out of money received from the estate of the late Walter Henry Bailey.

*Clause 53* requires the Council to make to the Minister and the University Grants Committee an annual report which is laid before Parliament in conjunction with the annual report of the University Grants Committee.

#### *Transitional Provisions*

*Clause 54* declares that Massey College and the branch of the Victoria University of Wellington at Palmerston North shall cease to exist on 1 January 1963.

*Clause 55* vests the property of those two institutions in the new College; and declares that, except as expressly provided in the Bill, all rights, liabilities, contracts, and engagements in respect of those two institutions shall become rights, liabilities, contracts, and engagements of the new College.

*Clause 56* protects the rights of the staff of the two existing institutions.

*Clause 57* provides that certain statutes, regulations, and acts of authority of the Senate, etc., of the University of New Zealand, of the Council, etc., of the Victoria University of Wellington, and of the Council, etc., of Massey College shall continue to have their existing application in connection with the new College until they are superseded.

*Clauses 58 and 59* provide for consequential amendments and repeals.

---

*Hon. Mr Tennent*

**MASSEY UNIVERSITY COLLEGE OF  
PALMERSTON NORTH**

ANALYSIS

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>Title</i></p> <ol style="list-style-type: none"><li>1. Short Title and commencement</li><li>2. Interpretation</li><li>3. Constitution of the College</li><li>4. Court of Convocation</li><li>5. College part of Victoria University of Wellington for certain purposes</li><li>6. Visitor of the College</li></ol> <p style="text-align: center;"><i>The Council</i></p> <ol style="list-style-type: none"><li>7. Constitution of Council</li><li>8. Term of office</li><li>9. Employees as Council members</li><li>10. Disqualification of members of Council</li><li>11. Casual vacancies in Council</li><li>12. Proceedings of Council not affected by vacancies, etc.</li><li>13. Election of members</li><li>14. Meetings of Council</li><li>15. Special meetings of Council</li><li>16. Council may appoint committees</li></ol> <p style="text-align: center;"><i>Powers of Council</i></p> <ol style="list-style-type: none"><li>17. Council to be governing body of College</li><li>18. Appointments of professors, lecturers, etc.</li><li>19. Provision of courses and conferment of degrees and other academic qualifications</li><li>20. Award of fellowships, etc.</li><li>21. Lectures to members of the public</li><li>22. Power to make statutes and regulations</li><li>23. Seal of the College</li><li>24. Admission of students</li></ol> | <p style="text-align: center;"><i>Chairman and Vice-Chairman of Council</i></p> <ol style="list-style-type: none"><li>25. Chairman of Council</li><li>26. Election of Vice-Chairman</li><li>27. Right to preside at meetings of Council</li></ol> <p style="text-align: center;"><i>The Principal and Vice-Principal</i></p> <ol style="list-style-type: none"><li>28. Principal</li><li>29. Vice-Principal</li></ol> <p style="text-align: center;"><i>The Professorial Board</i></p> <ol style="list-style-type: none"><li>30. Constitution of Professorial Board</li><li>31. Chairman of Professorial Board</li><li>32. Meetings of Professorial Board</li><li>33. Proceedings of Professorial Board not affected by vacancies, etc.</li><li>34. Functions of Professorial Board</li><li>35. Professorial Board may appoint committees</li><li>36. Council to consult Professorial Board on academic matters</li></ol> <p style="text-align: center;"><i>Financial Provisions</i></p> <ol style="list-style-type: none"><li>37. Benefactions to be strictly applied</li><li>38. Application of income and capital of College</li><li>39. Money to be paid into bank</li><li>40. Loan money to be paid into a separate account</li><li>41. Investment of money</li><li>42. Provision for Common Fund investment</li><li>43. Travelling allowances and expenses of members of Council</li><li>44. Council may insure members against personal accident while engaged in duties</li></ol> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

2 *Massey University College of Palmerston North*

45. Unauthorised expenditure of Council	53. Annual report and statement of accounts
46. Council to prescribe fees	
47. Fees payable to associations of students	<i>Transitional Provisions</i>
48. Grants by Council to associations of staff or students	54. Massey College to cease to exist
49. Powers of Council in respect of property	55. Vesting of property in the Massey University College of Palmerston North
50. Special powers	56. Staff of existing institutions
51. Power to borrow by way of overdraft or temporary loan	57. Saving of certain statutes, regulations, etc.
52. Power to grant loans to students	58. Consequential amendments
	59. Repeal

A BILL INTITULED

An Act to constitute the Massey University College of Palmerston North

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, 5  
as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Massey University College of Palmerston North Act 1962.

(2) This Act shall come into force on the first day of 10  
January, nineteen hundred and sixty-three:

Provided that section 7 of this Act, subsection (4) of section 28 of this Act, and the First and Third Schedules to this Act shall come into force on the passing of this Act.

**2. Interpretation**—In this Act, unless the context otherwise 15  
requires,—

“Academic staff” means the members of the staff of the College who are declared by any statute or regulation of the College to be the academic staff of the College; and in the absence of any such declaration 20  
means the lecturers of the College:

“The Chairman” means the Chairman of the Council of the Massey University College of Palmerston North:

“The College” means the Massey University College of Palmerston North constituted under this Act: 25

“The Council” means the Council of the Massey University College of Palmerston North constituted under this Act:

“Financial year” means the financial year of the College fixed by the Council with the concurrence of the 30  
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 the Massey University College of Palmerston North 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 “Massey College” means Massey College constituted under the Massey College Act 1961:

20 “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:

25 “The Principal” means the Principal of the Massey University College of Palmerston North appointed under this Act:

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

30 “The Professorial Board” means the Professorial Board of the Massey University College of Palmerston North constituted under this Act:

“The Registrar” means the Registrar of the Massey University College of Palmerston North:

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

“Wellington University District” means the Wellington University District constituted under section 4 of the Victoria University of Wellington Act 1961.

Cf. 1961, No. 53, s. 2

40 **3. Constitution of the College**—(1) Massey College and the branch of the Victoria University of Wellington at Palmerston North shall be united to form a University College associated with the Victoria University of Wellington, to be called the Massey University College of Palmerston North.

(2) The objects of the College shall include the advancement of knowledge and the dissemination and maintenance thereof by teaching and research.

(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 Victoria University of Wellington whose names are for the time being on the books of the College, the graduates of the University of New Zealand whose names are for the time being on the books of the College, the holders of diplomas granted by the College or Massey College, the persons whose names are for the time being on the register of the Court of Convocation of 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) Except as otherwise provided in this Act, every reference in any enactment or document to Massey College or the branch of the Victoria University of Wellington at Palmerston North (however they may be described) shall, unless the context otherwise requires, hereafter be read as a reference to the Massey University College of Palmerston North; and every reference in any enactment or document to a University College of Agriculture shall, unless the context otherwise requires, be read as including a reference to the Massey University College of Palmerston North.

Cf. 1961, No. 53, s. 3

**4. Court of Convocation**—(1) There shall be a Court of Convocation for the College.

(2) The said Court of Convocation shall consist of the persons whose names are enrolled on a register to be kept by the Registrar.

(3) Every person shall be entitled to have his name enrolled on the register of the Court of Convocation who—

(a) Is a graduate on the books of the College; or

(b) Was immediately before the commencement of this

Act a graduate on the books of Massey College; or

(c) Is a graduate of a University other than a University in New Zealand, and is resident in New Zealand, and applies to be enrolled on the said register; or

5 (d) Is otherwise entitled in accordance with any statute or regulation made by the Council to have his name enrolled on the said register.

(4) 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 under paragraph (d) of subsection (3) of this section 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  
10 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  
15 and places as the Council may determine.

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

Cf. 1961, No. 51, s. 4

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

30 (a) Any course of study for a degree or other academic qualification in agriculture, agricultural science, veterinary science, or food technology, being a degree or other academic qualification of the Victoria University of Wellington; or

35 (b) Any course of study, subject, or unit for any other degree or academic qualification of the Victoria University of Wellington for the time being approved by the Council of that University for the purposes of this section, or approved by the University Grants Committee under subsection (3) of section 19 of this Act; or

40 (c) Admission *ad eundem statum*; or



6      *Massey University College of Palmerston North*

- (d) The granting of credits or exemptions in respect of units or subjects passed or work done at any other University in New Zealand.

Cf. 1961, No. 53, s. 4

**6. 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. 5

Cf. 1961, No. 53, s. 5

*The Council*

**7. Constitution of Council**—(1) There shall be a Council of the College to be called the Council of the Massey University College of Palmerston North. 10

(2) The Council shall consist of:

(a) Four members to be appointed by the Governor-General: 15

(b) Three members, being graduates of any University in New Zealand or elsewhere, to be elected by the Court of Convocation of the College:

Provided that the first members to be elected under this paragraph shall be elected as provided in subsection (7) of this section by the persons who are the graduates on the books of Massey College, the persons who are graduates of any University, whether in New Zealand or elsewhere, and are resident in New Zealand and make application for voting papers to the Registrar of Massey College at least fourteen days before the date of the election, the holders of diplomas granted by the Massey College Council, and the other persons who are members of the Court of Convocation of the Victoria University of Wellington: 20 25 30

(c) Two members, being members of the Professorial Board, to be appointed by the Professorial Board:

Provided that the first members to be appointed under this paragraph shall be— 35

(i) A member of the Professorial Board of Massey College to be appointed by that Board;

(ii) One of the members of the Academic Committee of the branch of the Victoria University of Wellington in Palmerston North to be appointed by that Committee: 40

(d) One member, being a member of the academic staff of the College, to be elected by that staff:

5 Provided that the first member to be elected under  
this paragraph shall be a member of the teaching  
staff of Massey College or of the branch of the  
Victoria University of Wellington at Palmerston  
10 North and shall be elected by the professors,  
lecturers, and assistant lecturers of Massey College,  
the professors of the Victoria University of Well-  
ington of the subjects for which tuition is provided at  
the branch of that University in Palmerston North,  
and the lecturers and junior lecturers at the afore-  
15 said branch of the Victoria University of Well-  
ington; and for the purposes of the said first election  
the Registrar of Massey College shall be the Re-  
turning Officer and shall conduct the election in  
such manner as he thinks fit:

- 20 (e) One member to be elected by the governing bodies of  
State secondary schools or combined schools and  
such registered private secondary schools as the  
Council may from time to time determine, being  
in all cases schools situated in such parts of the  
Wellington University District as the Council may,  
with the consent of the Council of the Victoria  
University of Wellington, from time to time  
25 determine, each governing body to have the number  
of votes specified in subsection (3) of this section:

30 Provided that the first member to be elected under  
this paragraph shall be elected by the governing  
bodies of State secondary schools or combined  
schools situated in the Wellington University Dis-  
trict; and for the purposes of the said first election  
the Registrar of Massey College shall be the Re-  
turning Officer and shall conduct the election in  
such manner as he thinks fit:

- 35 (f) One member to be appointed by the Palmerston  
North City Council:  
(g) One member to be appointed by the Council of the  
Victoria University of Wellington:  
40 (h) One member, being a graduate of the University of  
New Zealand or of any other University in New  
Zealand, to be appointed by the Executive of the  
Massey University College of Palmerston North  
Students' Association:

Provided that the first appointment under this paragraph shall be made jointly by the Executive of the Massey College Students' Association and the Executive of the Students' Association of the branch of the Victoria University of Wellington at Palmerston North: 5

- (i) Such number of members (not exceeding three) as the Council from time to time after the commencement of this Act thinks fit, to be appointed by the Council: 10
- (j) The Principal or, while there is no Principal in office or during the absence or incapacity of the Principal,— 10
  - (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 Chairman of the Professorial Board. 15

(3) For the purposes of an election under paragraph (e) of subsection (2) of this section, the governing body of each school shall have— 20

- (a) One vote for every hundred pupils; and
  - (b) If it has any number of pupils in excess of all multiples of one hundred, one vote for that number.
- (4) For the purposes of subsection (3) of this section—
- (a) Pupils in any intermediate or lower department of a school shall be excluded: 25
  - (b) The certificate of the secretary of the governing body of the school as to the number of pupils in the school shall be sufficient evidence thereof in the absence of proof to the contrary. 30

(5) Upon any person completing six consecutive years as a member of the Council appointed under paragraph (i) 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. 35

(6) The first members of the Council shall be elected or appointed before the thirty-first day of December, nineteen hundred and sixty-two. 40

(7) The Registrar of Massey College shall be the Returning Officer for the purposes of the first election under paragraph (b) of subsection (2) of this section, which election shall be conducted in accordance with the provisions of the First  
5 Schedule to this Act.

Cf. 1961, No. 53, s. 6; 1961, No. 51, s. 6 (4), (5)

**8. Term of office**—(1) Except as otherwise provided in this Act, every elected or appointed member of the Council shall  
10 in subsection (5) of section 7 and in section 10 of this Act) may from time to time be re-elected or reappointed.

(2) Of the first members to be appointed to the Council by the Governor-General, two shall be appointed for a term of two years, and two shall be appointed for a term of  
15 three years.

(3) The first members of the Council to be elected under paragraph (b) of subsection (2) of section 7 of this Act shall hold office for a term of one year.

(4) The first members of the Council to be appointed under  
20 paragraph (c) of subsection (2) of section 7 of this Act shall hold office for a term of two years.

(5) The first member of the Council to be elected under paragraph (d) of subsection (2) of section 7 of this Act shall hold office for a term of one year.

25 (6) The first member of the Council to be appointed under paragraph (h) of subsection (2) of section 7 of this Act shall hold office for a term of one year.

(7) Of the first members of the Council to be appointed by the Council under paragraph (i) of subsection (2) of  
30 section 7 of this Act, the Council may, if it thinks fit, appoint two for terms of less than three years, to be specified at the time of the appointments.

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

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

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

(11) If at the time prescribed by this 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. 5  
Any person appointed under this section shall come into office on a date to be fixed by the Council.

(12) Every member of the Council, other than a member appointed under paragraph (i) of subsection (2) of section 7 of this Act, unless he sooner vacates his office under section 11 10  
of this Act, shall continue to hold office until his successor comes into office. Every member of the Council appointed under paragraph (i) of subsection (2) of section 7 of this Act shall go out of office at the expiration of his term of office. 15

Cf. 1961, No. 53, s. 8

**9. Employees as Council members—**(1) No person in the employment of the College or of the Victoria University of Wellington shall be eligible for office as a member of the Council otherwise than under paragraph (c), paragraph (d), or paragraph (j) of subsection (2) of section 7 of this Act: 20

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 25  
person to whom any such fee or stipend is paid shall be ineligible as aforesaid:

Provided also that no person shall be ineligible as aforesaid by reason of any other employment by the College if the amount paid to him in any financial year in respect of that 30  
employment does not exceed four hundred pounds.

(2) A member of the Council who is in the employment of the College shall not be entitled to vote on any question before the Council or any committee of the Council which 35  
directly affects his salary or in which he, either alone or in common with other persons, has a direct pecuniary interest.

Cf. 1961, No. 53, s. 9

**10. Disqualification of members of Council—**The following persons shall be incapable of being elected or appointed to be 40  
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:
- 5 (c) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed on him.

Cf. 1961, No. 53, s. 10

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

- (a) Dies; or
- (b) Resigns his office by writing under his hand delivered to the Registrar; or
- 15 (c) Is absent without leave from four consecutive meetings of the Council; or
- (d) Becomes ineligible for election or appointment to the Council under the provision of this Act under which he was elected or appointed; or
- 20 (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,—

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

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

30 (3) Every casual vacancy in the office of an elected or appointed member of the Council (other than a member appointed under paragraph (i) of subsection (2) of section 7 of this Act) shall, as soon as practicable, be filled by the election or appointment of a new member in the same manner  
35 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:

40 Provided that a casual vacancy in the office of a member of the Council first appointed under paragraph (b), paragraph (c), paragraph (d), paragraph (e), or paragraph (h) of subsection (2) of section 7 of this Act shall be filled in the manner provided for subsequent appointments to the office.

Cf. 1961, No. 53, s. 11

**12. Proceedings of Council not affected by vacancies, etc.—**

No act or proceeding of the Council, or of any committee thereof, or of any person acting as a member of the Council, shall be invalidated in consequence of there being a vacancy in the number of the Council at the time of that Act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any person so acting, or that he was incapable of being or had ceased to be such a member. 5

Cf. 1961, No. 53, s. 12 10

**13. Election of members—**(1) Subject to the provisions of section 7 of this Act, the Registrar of the College, or such other person as the Council appoints, shall be the Returning Officer for the purpose of conducting elections of members of the Council. 15

(2) Subject to the provisions of section 7 of this Act, the elections of members of the Council shall be conducted, and any rolls necessary for the elections shall be prepared, in the manner prescribed by statutes or regulations of the College. 20

Cf. 1961, No. 53, s. 13 20

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

(2) At any meeting of the Council six members shall form a quorum, and no business shall be transacted unless a quorum is present. 25

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

(4) Every question before the Council shall be decided by a majority of the votes of the members present at the meeting of the Council and entitled to vote on that question. 30

Cf. 1961, No. 53, s. 14

**15. Special meetings of Council—**(1) The Chairman may at any time, of his own motion, call a special meeting of the Council; and the Chairman shall call a special meeting on the requisition in writing of any two members. 35

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

Cf. 1961, No. 53, s. 16 40

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

5 (2) The Council may delegate any of its powers and duties, including any powers and duties which it has by delegation from any other body or person, but (except as provided in subsection (2) of section 35 of this Act) not including this power of delegation, and not including the power to make statutes and regulations, to any such committee or to the 10 Professorial Board or the Principal or any other person; and the committee or the Professorial Board or the Principal or other 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 15 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.

20 (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.

25 Cf. 1961, No. 53, s. 16

#### *Powers of Council*

17. **Council to be governing body of College**—The Council shall be the governing body of the College through which the corporation of the College shall act, and shall have the entire 30 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 Col- 35 lege and of any other institution controlled by the Council:

Provided that the Council shall not make any final decision on any matter mentioned in section 36 of this Act until it has first consulted the Professorial Board and considered any recommendations the said Board may make in that behalf, 40 unless that Board, having had reasonable opportunity to make such recommendations, has failed to do so.

Cf. 1961, No. 53, s. 17



**18. Appointments 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: 5

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

Provided that the Vice-Chancellor of the Victoria University of Wellington or his nominee shall be a member of any committee set up by the Council to consider and report with respect to any appointment to any Chair: 10

(c) Subject to the provisions of section 37 of the Victoria University of Wellington Act 1961, to appoint and remove examiners, assessors, and moderators: 15

Provided that the fee or stipend which the Council may pay to an examiner, assessor, or moderator shall be in accordance with a scale fixed by the Council with the concurrence of the University Grants Committee. 20

Cf. 1961, No. 53, s. 18

**19. Provision of courses and conferment of degrees and other academic qualifications—**(1) The Council may provide courses in agriculture, agricultural science, food technology, and veterinary science. 25

(2) The Council may provide such courses for the degrees of Bachelor of Arts and Bachelor of Science of the Victoria University of Wellington as, before the commencement of this Act, were being given by the Victoria University of Wellington at its branch at Palmerston North or by Massey College, or, at the point of time immediately before the commencement of this Act, had been approved by the Council of the said University for offering at the said institutions in the year nineteen hundred and sixty-three. 30 35

(3) The Council may provide, for any degree or other academic qualification which the Council of the Victoria University of Wellington can confer or award, such other courses, in addition to those specified in subsection (2) of this section, as may be approved by the University Grants Committee: 40

Provided that the University Grants Committee shall not approve the provision by the Council of the College of any such additional course until it has first received and considered any recommendation that the Council of the Victoria University of Wellington may make in that behalf, unless that Council, having had a reasonable opportunity to make such a recommendation, has failed to do so.

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

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

15 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.

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

Cf. 1961, No. 53, s. 19

25 **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.

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

Cf. 1961, No. 53, s. 21

35 **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 be necessary or expedient for the administration of the affairs of the College.

(2) Subject to the provisions of this Act and any other Act and to the statutes (if any) of the College, the Council may from time to time make such regulations of the College as may be necessary or expedient for the administration of the affairs of the College. 5

(3) Without limiting the generality of the foregoing provisions of this section, it is hereby declared that statutes and regulations so made may prescribe any matters which by this Act are required or permitted to be prescribed, or with respect to which statutes or regulations are contemplated by or necessary or expedient for giving full effect to the provisions of this Act, and for the due administration thereof. 10

(4) Subject to the provisions of section 36 of this Act and (where required by any Act) to the consent of the University Grants Committee or the Curriculum Committee, the Council may make statutes or regulations with respect to all or any of the diplomas and other academic qualifications, certificates, fellowships, scholarships, bursaries, prizes, and awards which the Council may award, and with respect to general courses of study and personal courses of study for the same. 15 20

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

(6) No statute made by the Council of the College as aforesaid shall come into force until it has been approved by the Governor-General. 25

(7) All such statutes and regulations shall have effect accordingly to their tenor, and shall be published by the Council. 25

(8) A copy of any such statute or regulation under the seal of the College shall be sufficient evidence in all Courts of the same and of its having been made and (where necessary) approved in accordance with this section. 30

Cf. 1961, No. 53, s. 22

**23. Seal of the College**—The seal of the College shall be in the custody of the Registrar or such other officer as the Council may appoint, and shall not be affixed to any document except pursuant to a resolution of the Council, or by the authority of a resolution of a committee of the Council acting in accordance with an authority for that purpose conferred upon it by the Council. 35

Cf. 1961, No. 53, s. 23

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

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

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

(3) 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 College, 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 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. 5 10

(5) Where any person has obtained in any University or other place of learning any academic qualification, or part thereof, corresponding or equivalent, in the opinion of the Council, to any diploma or other academic qualification, or part thereof, which the Council has power to award, the Council may admit that person at its discretion *ad eundem statum* in the College without further examination, and may cancel any such admission at any time. 15

(6) 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. 20 25

(7) Where a person who has been a student of Lincoln College is admitted to the Massey University College of Palmerston North, the Council of that College shall give him such credits as it considers appropriate for any units or subjects which he has already passed and with which he has been credited at Lincoln College towards a diploma, or grant him such exemptions as it considers appropriate, so that he may complete his course without suffering undue hardship as a consequence of his transfer. 30 35

Cf. 1961, No. 63, s. 24; 1961, No. 51, s. 24 (3)

*Chairman and Vice-Chairman of Council*

**25. Chairman of Council**—(1) At its first meeting in each year, the Council shall elect one of its members to be the Chairman of the Council for the ensuing year: 40

Provided that the Principal or any other person who is for the time being a member of the Council under paragraph (j) of subsection (2) of section 7 of this Act, or a member of the Council appointed under paragraph (c), or elected under paragraph (d), of subsection (2) of section 7 of this Act, shall not be so elected.

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

(3) If the Chairman resigns from that office or ceases to be a member of the Council, whether under subsection (1) of section 11 of this Act or otherwise, the Council shall elect one of its members who is eligible for election as Chairman to be the Chairman for the remainder of the term.

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

Cf. 1961, No. 53, s. 25

**26. Election of Vice-Chairman**—(1) The Council may, at its first or any subsequent meeting in any year, elect one of its members who is eligible for election as Chairman to be the Vice-Chairman of the Council for that year.

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

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

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

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

Cf. 1961, No. 53, s. 26

**27. Right to preside at meetings of Council**—The Chairman shall preside at every meeting of the Council at which he is present. If at any meeting of the Council the Chairman is not present or there is no Chairman, the Vice-Chairman shall preside at the meeting; and if the Vice-Chairman also is not present at the meeting or there is no Vice-Chairman, the Council shall appoint some member present to preside at that meeting. The Vice-Chairman or person so appointed shall have and may exercise in any such case all the powers and functions of the Chairman for the purposes of the meeting. 5 10

Cf. 1961, No. 53, s. 27

*The Principal and Vice-Principal*

**28. Principal**—(1) Subject to the provisions of subsection (4) of this section, the Council may from time to time appoint some fit and proper person to be the Principal of the College: 15

Provided that the Vice-Chancellor of the Victoria University of Wellington or his nominee shall be a member of any committee appointed by the Council to consider and report with respect to any such appointment. 20

(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: 25
- (c) He shall have such duties as the Council, subject to the provisions of this Act, may from time to time specify: 30
- (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. 35 40

(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.

(4) The provisions of the Third Schedule to this Act shall apply to the appointment of the first Principal of the College and to the persons who at the passing of this Act are the Principals of Massey College and the branch of the Victoria University of Wellington at Palmerston North.

Cf. 1961, No. 53, s. 28

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

(2) 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 under any Act or otherwise, as the Council may determine.

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

Cf. 1961, No. 53, s. 29; 1961, No. 51, s. 29

#### *The Professorial Board*

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

(2) The Professorial Board shall consist of:

- (a) The Principal:
- (b) The professors of the College:
- (c) The librarian of the College:
- (d) Such lecturers of the College as the Council may from time to time appoint to be members of the Professorial Board:



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

Cf. 1961, No. 53, s. 30; 1961, No. 51, s. 30

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

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

Cf. 1961, No. 53, s. 31

**32. Meetings of Professorial Board**—(1) The Chairman of the Professorial Board shall preside at any meeting thereof at which he is present. In the absence of the Chairman from any such meeting, the members present shall elect one of their number to be the Chairman for the purposes of that meeting, and the person so elected shall preside at that meeting.

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

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

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

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

Cf. 1961, No. 53, s. 32

**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.

10 Cf. 1961, No. 53, s. 33

**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.

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

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

(b) The management of the Library.

20 (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:

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

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

35 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. 1961, No. 53, s. 34

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

(2) The Professorial Board may delegate any of its powers and duties (including any powers and duties which it has by delegation from the Council or any other body or person) to any such committee or to any person; and the committee or person may, without confirmation by the Professorial Board, exercise or perform those powers or duties in like manner and with the same effect as the Professorial Board could itself have exercised or performed them: 5

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. 10

(3) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Professorial Board. 15

(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. 20

Cf. 1961, No. 53. s. 35

**36. Council to consult Professorial Board on academic matters**—The Council shall not make, or recommend that the Council of the Victoria University of Wellington shall make, any statute or regulation or decision in relation to entrance to the College, or to any course of study or to the examinations and other academic tests for any degree or other academic qualification, certificate, fellowship, scholarship, bursary, prize, or award, or to the admission, attendance, and discipline of students, or to the appointment of examiners, assessors, or moderators, or to other academic matters, until it has first received and considered any recommendation that the Professorial Board may make in that behalf, unless that Board, having had a reasonable opportunity to make such a recommendation, has failed to do so. 25 30 35

Cf. 1961, No. 53, s. 36

*Financial Provisions*

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

Cf. 1961, No. 53, s. 37

10 **38. Application of income and capital of College**—(1) 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.

15 (2) Without limiting the generality of subsection (1) of this section it is hereby declared that the Council may from time to time, out of income which may be applied in accordance with subsection (1) of this section, create, maintain, and add to a fund or funds for any one or more  
20 of the purposes for which that income may be applied.

Cf. 1961, No. 53. s. 38

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.

30 (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:

35 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  
40 sign and countersign cheques shall be deemed to have been duly signed and countersigned in accordance with the provisions of this section.

Cf. 1961, No. 53, s. 39

**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 his 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. 5

Cf. 1961, No. 53, s. 40

**41. Investment of money**—Subject to the terms of any trust or endowment, any money belonging to or vested in the College and available for investment may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds, or in such manner as the Minister of Finance from time to time approves. 10

Cf. 1961, No. 53, s. 41 15

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

- (a) A Common Fund to be known as the Massey University College of Palmerston North Common Fund: 20
- (b) A Reserve Fund to be known as the Massey University College of Palmerston North Common Fund Reserve Fund:
- (c) A Common Fund Income Account to be known as the Massey University College of Palmerston North 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 they comprise the whole or part of the trust estate to which they belong, either— 30

- (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. 40

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

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

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

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

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

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

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

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

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

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

(10) All income paid into the said Reserve Fund as aforesaid, and all income derived from the said Reserve Fund and from the investments and money included therein, shall be applied as the Council thinks fit in any one or more of the following ways: 5

- (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. 10

(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,— 15

- (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: 20 25
- (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 35

Cf. 1961, No. 53, s. 42

**43. Travelling allowances and expenses of members of Council**—(1) The Council may pay to each of its members travelling allowances and expenses; and, in respect of travel in New Zealand, those allowances and expenses shall not exceed those payable in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 40

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

Cf. 1961, No. 53, s. 43

5 **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  
10 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. 1961, No. 53, s. 44

15 **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  
20 revenue of the College from all sources for the immediately preceding financial year or the sum of five hundred pounds, whichever is the greater.

Cf. 1961, No. 53, s. 45

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

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

Cf. 1961, No. 53, s. 46

30 **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  
35 organisation of students of the College, and to dispose of those fees accordingly.

Cf. 1961, No. 53, s. 47



**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.

5

Cf. 1961, No. 53, s. 48

**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:

10

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

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

- 5 (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, but section 117 of the Land Transfer Act 1952 shall not apply to any such renewal:
- 10
- 15 (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.
- 20 (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.

25 Cf. 1961, No. 53, s. 49

**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:

- 30 (a) To conduct such experimental or other farming operations as the Council deems expedient in order efficiently to instruct students of the College:
- (b) To acquire by purchase, lease, or otherwise, on such terms as the Council determines, such land, implements, stock, and materials as the Council deems necessary for the purposes of such farming operations as aforesaid:
- 35 (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.

40 Cf. 1961, No. 53, s. 50

**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: 5

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: 10

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. 15

Cf. 1961, No. 53, s. 51

**52. Power to grant loans to students**—The Council may from time to time out of money received from the estate of the late Walter Henry Bailey and available for the general purposes of the College, make an advance on such terms and conditions as the Council thinks fit to any student of the College who, in the opinion of the Council, should be granted financial assistance to enable that student to complete the course of study for which he is enrolled at the College. 20

Cf. 1961, No. 53, s. 52 25

**53. Annual report and statement of accounts**—(1) The Council shall, during the month of April in every year, furnish to the Minister of Education and to the University Grants Committee a report on the College during the immediately preceding year. 30

(2) The Council shall also, as soon as practicable after the end of every financial year of the College, furnish to the Minister of Education and to the University Grants Committee a statement of the assets and liabilities of the College as at the end of that financial year of the College, together with an account of income and expenditure showing the financial transactions for that year, which statement and account shall be audited by the Audit Office. 35

Cf. 1961, No. 53, s. 53

*Transitional Provisions*

54. **Massey College to cease to exist**—Massey College and the branch of the Victoria University of Wellington at Palmerston North shall cease to exist at the commencement  
5 of this Act on the first day of January, nineteen hundred and sixty-three.

55. **Vesting of property in the Massey University College of Palmerston North**—(1) All property vested in the Victoria University of Wellington upon trust or as an endowment for  
10 any of the purposes of the branch of that University at Palmerston North is hereby vested in the Massey University College of Palmerston North upon a like trust or for a like purpose, subject to all charges, encumbrances, estates, and interests affecting the same.

15 (2) All property vested in Massey College upon trust or as an endowment for any purpose is hereby vested in the Massey University College of Palmerston North upon a like trust or for a like purpose, subject to all charges, encumbrances, estates, and interests affecting the same.

20 (3) All other real and personal property of every description vested in the Victoria University of Wellington and used for the purposes of the branch of that University at Palmerston North, or vested in Massey College, is hereby vested in the Massey University College of Palmerston North, subject to  
25 all charges, encumbrances, estates, and interests affecting the same.

(4) In any case where any estate or interest in any land vests in the Massey University College of Palmerston North under this section, the District Land Registrar for the land  
30 registration district in which the land is situated, on deposit with him of such plans and documents as he may require, shall make such entries in the register and generally do all such things as may be necessary to give full effect to the provisions of this section. For the purposes of this subsection,  
35 a certificate by the Registrar of the Victoria University of Wellington that any estate or interest in any land is vested in that University and used for the purposes of the branch of that University at Palmerston North, or that any estate or interest in land is vested in that University upon trust or  
40 as an endowment for any of the purposes of the branch of that University at Palmerston North, shall be sufficient evidence thereof in the absence of proof to the contrary.

(5) Except as otherwise provided in this Act, all rights, liabilities, contracts, and engagements of the Victoria University of Wellington and its Council in respect of its branch  
45

at Palmerston North, and all rights, liabilities, contracts, and engagements of Massey College and its Council, shall become rights, liabilities, contracts, and engagements of the Massey University College of Palmerston North and its Council.

(6) Notwithstanding any other provision of this Act, until the Council of the Victoria University of Wellington and the Council of the College otherwise agree, the Council of the College shall provide for the adult education purposes of the Victoria University of Wellington the accommodation which, immediately before the commencement of this Act, was provided at Palmerston North for those purposes by the Council of the Victoria University of Wellington, or accommodation reasonably equivalent thereto.

**56. Staff of existing institutions—**(1) Any person who, immediately before the commencement of this Act, held a salaried office or employment in Massey College or the branch of the Victoria University of Wellington at Palmerston North shall be entitled to be appointed to an office in the Massey University College of Palmerston North or to be employed by the Council of that College, as from the commencement of this Act, on terms and conditions (including terms and conditions as to remuneration and duration of employment, but not including terms and conditions prescribing the title, duties, or status of the office or employment) not less favourable than those upon which he held that office or employment in Massey College or the branch of the Victoria University of Wellington at Palmerston North.

(2) No person to whom subsection (1) of this section applies shall have a right to damages or compensation in respect of the termination, by reason of the operation of this Act, of his tenure of any office or employment in Massey College or the branch of the Victoria University of Wellington at Palmerston North.

(3) Where, after the commencement of this Act, any person is appointed to an office or employment in the Massey University College of Palmerston North in pursuance of this section the appointment shall be deemed to have had effect from the commencement of this Act.

**57. Saving of certain statutes, regulations, etc.—**(1) All statutes, regulations, rulings, and decisions, and all acts of authority of the Senate of the University of New Zealand or of any committee or Board of the said Senate or University or of the Chancellor or Vice-Chancellor or any officer of the said University,—

5 (a) So far as they were subsisting immediately before the commencement of this Act and then applied to Massey College and the courses of study thereat, shall continue to have a like application to the Massey University College of Palmerston North and those courses of study;

10 (b) So far as they were subsisting immediately before the commencement of this Act and then applied to the branch of the Victoria University of Wellington at Palmerston North and the courses of study thereat, shall continue to have a like application to the Massey University College of Palmerston North and those courses of study,—

15 except in each case so far as they are repealed, replaced, or amended by this Act or any other Act, or by appropriate acts of authority of the Council or Professorial Board of the Victoria University of Wellington or any committee appointed by either of those bodies, or by appropriate acts of authority of the Chancellor or Vice-Chancellor or any officer of the Victoria University of Wellington, or by appropriate acts of authority of the Council or Professorial Board of the Massey University College of Palmerston North or any committee appointed by either of those bodies, or by appropriate acts of authority of the Principal or any officer of the Massey University College of Palmerston North.

20 (2) All statutes, regulations, rulings, and decisions, and all acts of authority of the Council or Professorial Board of the Victoria University of Wellington or of any committee of that Council or Professorial Board or of the Chancellor or Vice-Chancellor or any officer of that University, and all bylaws to which subsection (2) of section 55 of the Victoria University of Wellington Act 1961 apply, so far as they were subsisting immediately before the commencement of this Act and then applied to the branch of the Victoria University of Wellington at Palmerston North and the courses of study thereat, shall continue to have a like application to the Massey University College of Palmerston North and those courses of study, except so far as they are repealed, replaced, or amended by this Act or any other Act, or by appropriate acts of authority of that Council or Professorial Board or any committee appointed by either of those bodies, or by appropriate acts of authority of the Chancellor or Vice-Chancellor or any officer of that University, or by appropriate acts of authority of the Council or Professorial Board of the Massey University College of Palmerston North or any committee appointed by either of those bodies, or by appropriate acts of authority of the Principal or any officer of the Massey University College of Palmerston North.

(3) All statutes, regulations, rulings, and decisions, and all acts of authority of the Council or Professorial Board of Massey College or any committee appointed by either of those bodies, or by appropriate acts of authority of the Principal or any officer of Massey College, and all bylaws to which subsection (2) of section 55 of the Massey College Act 1961 applied, so far as they were subsisting immediately before the commencement of this Act, shall continue to have a like application to the Massey University College of Palmerston North and to the courses of study to which they then applied, except so far as they are repealed, replaced, or amended by this Act or any other Act, or by appropriate acts of authority of the Council of the Victoria University of Wellington, or by appropriate acts of authority of the Council or Professorial Board of the Massey University College of Palmerston North or any committee appointed by either of those bodies, or by appropriate acts of authority of the Principal or any officer of the Massey University College of Palmerston North.

(4) All bylaws which apply in accordance with the foregoing provisions of this section to the Massey University College of Palmerston North or any course of study thereat shall enure for the purposes of this Act as fully and effectually as if they had originated as regulations under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to be regulations and to have so originated; and every reference to any such bylaw in any Act, regulation, order, or other enactment, or in any instrument or document whatsoever shall, after the commencement of this Act, unless inconsistent with the context, be read as a reference to a regulation made under the corresponding provisions of this Act.

Cf. 1961, No. 54, s. 53; 1961, No. 53, s. 55 (2)

**58. Consequential amendments**—(1) Part II of the First Schedule to the Local Authorities (Members' Contracts) Act 1954 is hereby amended by repealing the item relating to the Massey College Council, and substituting the following item:

“The Council of the	1962, No. 00—The Massey
Massey University	University College of
College of Palmer-	Palmerston North Act
ston North	1962.”

(2) The enactments specified in the Fourth Schedule to this Act are hereby amended in the manner indicated in that Schedule.

**59. Repeal**—The Massey College Act 1961 is hereby repealed.

---

## SCHEDULES

---

### FIRST SCHEDULE

Section 7 (7)

#### CONDUCT OF FIRST ELECTIONS TO THE COUNCIL BY THE PROVISIONAL COURT OF CONVOCATION

1. (1) Not later than 21 days after the date of the passing of this Act or the 30th day of September 1962, whichever is the later, the Registrar of Massey College, as the Returning Officer, shall insert an advertisement in respect of the first election of members of the Council under paragraph (b) of subsection (2) of section 7 of this Act in at least one newspaper published in at least each of the Cities of Auckland, Wellington, Christchurch, Dunedin, and Palmerston North.

(2) The advertisement shall—

- (a) State the number of members to be elected, the classes of persons eligible for election, and the classes of persons eligible to be electors;
- (b) Invite nominations for election and state the day and the hour of the closing of nominations;
- (c) State the day on which the elections shall be held and the hour of the closing of the poll;
- (d) State the last day on which applications may be made for voting papers by persons who are graduates of any University, whether in New Zealand or elsewhere, and are resident in New Zealand.

2. Nominations shall close at the office of the Registrar of Massey College at 5 p.m. on a day not earlier than 15 days after the date on which the advertising required under clause 1 of this Schedule is completed.

3. The poll shall close in the office of the Registrar of Massey College at 5 p.m. on a day not earlier than 14 days after the date of the closing of nominations or on the 18th day of December 1962, whichever day is the earlier.

4. If by the time for the closing of nominations the number of nominations received does not exceed the number of members to be elected, the candidate or candidates so nominated shall be declared by the Registrar to be elected.

5. If the number of candidates duly nominated is less than the number of vacancies to be filled, the Council of the Massey University College of Palmerston North may appoint a person or persons eligible for election to complete the number required.

6. If by the time for the closing of nominations more nominations are received than the number of members to be elected, the Registrar shall forthwith post a voting paper to each elector at the last address known to the Registrar.

7. (1) The form of voting paper shall contain the names in full and the occupations and addresses, in alphabetical order of surnames, of the candidates for whom the electors are entitled to vote. If the nomination paper of any candidate correctly discloses any University degree and diploma held by the candidate, it shall be set out on the



FIRST SCHEDULE—*continued*

voting paper, which shall also be accompanied by any statement by any candidate listing any qualifications he has which are relevant to his candidature. Voting papers shall be printed in the form set out in clause 14 of this Schedule and each voting paper shall be furnished with:

- (a) A gummed flap so that it may be folded and sealed before being placed in the envelope:
  - (b) A notice endorsed (so that it is visible when the voting paper is folded and sealed) stating the name of the electing body by which the voting paper may be used.
- (2) An envelope shall be enclosed with each voting paper and that envelope shall have a dotted line for the signature of the voter on the inside under (but not on) the flap.

8. Any person entitled to be an elector who in writing declares to the Returning Officer before the closing of the poll that he has not received his voting paper, or that he has lost or destroyed it, shall be entitled to receive another voting paper forthwith.

9. Each candidate shall (by notice in writing delivered to the Returning Officer at least five clear days before the day of the election) be entitled to appoint one scrutineer, who may be present at the opening of the envelopes in respect of the election and counting of votes. No candidate shall act as a scrutineer, and no person, other than the Returning Officer and his assistant and the scrutineer, shall be present at any opening or counting. The Returning Officer shall notify each candidate of the date and time at which the opening of the respective envelopes and counting of votes shall take place.

10. At the office of the Registrar, and on the date and at the time notified to the candidate by the Registrar, each envelope shall, in the presence of the scrutineers who are in attendance, be opened by or in the presence of the Returning Officer, who, after rejecting all informal votes, shall cause the votes to be counted in the presence of the scrutineers who are in attendance, and shall ascertain which three candidates have received the greatest number of votes. The Returning Officer shall declare those candidates to be elected.

11. A voting paper shall be invalid and rejected as informal by the Returning Officer—

- (a) If it contains any means by which the name of the voter may be identified:
- (b) If more names than are required are marked:
- (c) If the voter fails to sign his name inside the envelope or to seal the voting paper:
- (d) If postage on the voting paper is not prepaid:
- (e) If the voting paper has not been received by the Returning Officer at the time of the closing of the poll, whether or not it has been posted before that time:
- (f) If the voting paper does not clearly indicate the candidate for whom the elector desires to vote.

12. No candidate may be nominated for more than one seat on the Council. In the event of the Returning Officer receiving nomination forms duly completed by the same candidate for more than one seat, the candidate shall, before the closing of nominations, elect in writing which nomination shall stand, and the other nomination or nominations for that candidate shall thereupon be void. If the candidate fails so to elect, the Returning Officer shall decide by lot which nomination shall stand, and the other or others shall thereupon be void.

FIRST SCHEDULE—*continued*

13. In the case of an equality of votes, the election shall be determined by lot by the Returning Officer in the presence of the Chairman or some other member of the Massey College Council appointed in that behalf by that Council.

14. Voting papers for the said election shall be in the following form:

ELECTION

VOTING PAPER	
Election to be held on the ..... day of ..... 19..... of three members of the Council of the Massey University College of Palmerston North by the Provisional Court of Convocation.	
AVERY:	William, B.AGR.SC. Farmer, Masterton.
BROWN:	Arthur Ernest, M.SC. Civil Servant, Wellington.
JONES:	William Herbert, B.A., LL.M. Barrister, Palmerston North.
SMITH:	John, B.AGR.SC., DIP.HORT. Lecturer, Auckland.

CONDITIONS	
(a)	Voter must place a cross opposite the names of the candidates for whom he desires to vote.
(b)	No more than three names may be marked.
(c)	Voter must fold the paper and seal it by the flap, sign his name on the dotted line under the flap of the envelope and return it to the Returning Officer so as to reach him not later than 5 p.m. on ..... 19.....
(d)	Postage must be prepaid.
(e)	Vote will be informal if the above conditions are not strictly complied with or if the voting paper contains anything by which the voter's name can be identified or does not clearly indicate the candidates voted for.

ENDORSEMENT ON OUTSIDE OF VOTING PAPER

Candidates to be elected by Provisional Court of Convocation.
---------------------------------------------------------------

15. Nominations of candidates for the said election shall be in the following form.

FIRST SCHEDULE—*continued*

NOMINATION PAPER	
I .....	(a) ..... being an elector of the Provisional Court of Convocation of the Massey University College of Palmerston North hereby nominate
	(b) ..... as a candidate for election to the Council of the Massey University College of Palmerston North by the electors of the Provisional Court of Convocation at the election to be held on the ..... day of ..... 19.....
	Dated this ..... day of ..... 19.....
	..... Signature of Nominator.
I hereby consent to my nomination.	
	..... Signature of Candidate.
Note: (a) Full name and postal address of nominator.	
(b) Full name, occupation, and address of candidate, and his University degrees and diplomas (if any).	

---

Section 19 (2), (3)      **SECOND SCHEDULE**

**DIPLOMAS**

*Diplomas in:*

- Agricultural Science.
- Agriculture.
- Dairy Engineering.
- Dairy Farming.
- Dairying.
- Horticultural Science.
- Horticulture.
- Sheep Farming.
- Wool and Wool Classing.

---

Section 28 (4)      **THIRD SCHEDULE**

**APPOINTMENT OF NEW PRINCIPAL AND PROTECTION OF EXISTING PRINCIPALS**

1. The first Principal of the Massey University College of Palmerston North shall be appointed by the University Grants Committee.
2. Before appointing the said first Principal, the University Grants Committee shall receive and consider—
  - (a) Any recommendation which may be submitted to it by the Council of the Victoria University of Wellington, unless that Council, having had a reasonable opportunity to make such a recommendation, has failed to do so; and
  - (b) Any recommendation which may be submitted to it by the Council of Massey College, unless that Council, having had a reasonable opportunity to make such a recommendation, has failed to do so.

THIRD SCHEDULE—*continued*

3. If the person appointed by the University Grants Committee to be the Principal of the Massey University College of Palmerston North is not at the time when the appointment is made or on the 31st day of December 1962, whichever is the earlier, Principal of Massey College or Principal of the branch of the Victoria University of Wellington at Palmerston North, the University Grants Committee shall offer to the two Principals last mentioned offices in the Massey University College of Palmerston North suitable to their qualifications and experience, on terms, with regard to tenure and emoluments, not less favourable than those on which those Principals are then employed by the Councils of Massey College and the Victoria University of Wellington respectively.

4. If the person appointed by the University Grants Committee to be the Principal of the Massey University College of Palmerston North is at the time when the appointment is made or on 31 December 1962, whichever is the earlier, the Principal of Massey College or the Principal of the branch of the Victoria University of Wellington at Palmerston North, the University Grants Committee shall offer to the other of the two Principals last mentioned an office in the Massey University College of Palmerston North suitable to his qualifications and experience, on terms, with regard to tenure and emoluments, not less favourable than those on which that Principal is then employed by the Council of Massey College or the Council of the Victoria University of Wellington, as the case may be.

5. Without limiting the powers conferred on the University Grants Committee by clauses 3 and 4 of this Schedule, it is hereby declared that the University Grants Committee may, in its absolute discretion, pursuant to the said clauses, offer the office of Dean or Director of a section of the academic work of the college; and such office of Dean or Director may include, if the University Grants Committee thinks fit, an appointment as a Professor of the College in an appropriate field of knowledge.

6. The University Grants Committee may pay the expenses necessary for the purposes of this Schedule, including such travelling expenses of any candidate for the office of Principal, and such travelling and removal expenses of the appointee and his dependants incurred by the appointee in taking up his appointment, as the University Grants Committee thinks fit; and the College, on coming into existence, shall reimburse the University Grants Committee for any sums paid by the University Grants Committee pursuant to this clause.

7. The University Grants Committee may, in the name of the Council of the College, enter into contracts of employment between the Council of the College and the Principal, and between the Council of the College and any person accepting an offer made to him by the University Grants Committee pursuant to clause 3 or clause 4 of this Schedule. Any such contract shall bind the Council of the College as though lawfully made by it after it had come into existence, but shall not impose any liability upon the University Grants Committee.

8. If the Principal of Massey College or the Principal of the branch of the Victoria University of Wellington at Palmerston North accepts appointment under the provisions of this Schedule to any office in the College, he shall have no right to damages or compensation in respect of the termination, by reason of the operation of this Act, of his tenure of any office or employment in Massey College or the branch of the Victoria University of Wellington at Palmerston North.

THIRD SCHEDULE—*continued*

9. If the Principal of Massey College or the Principal of the branch of the Victoria University of Wellington at Palmerston North is not appointed under this Schedule to an office in the College, then, whether or not he has been offered by the University Grants Committee an appointment to such an office, section 56 of this Act, which relates to the staff of existing institutions, shall apply to him.

Section 58 (2)

## FOURTH SCHEDULE

## ENACTMENTS AMENDED

Title of Act	Amendment
1925, No. 30—The Rating Act 1925 (1957 Reprint, Vol. 13, p. 118)	By omitting from section 2 (as amended by subsection (1) of section 50 of the Statutes Amendment Act 1947 and by subsection (1) of section 54 of the Massey College Act 1961) the words "Massey College" where they appear in paragraph (h) of the definition of the term "rateable property", and substituting the words "Massey University College of Palmerston North".
1956, No. 63—The Local Authorities Loans Act 1956 (1957 Reprint, Vol. 8, p. 455)	By repealing subparagraph (vi) of paragraph (d) of section 18 (as substituted by subsection (1) of section 59 of the Universities Act 1961), and substituting the following subparagraph: “(vi) The Council of the Massey University College of Palmerston North under <u>section 49</u> of the Massey University College of Palmerston North Act 1962.”
1961, No. 51—The Victoria University of Wellington Act 1961	By omitting from subsection (1) of section 9 the words "Massey College", and substituting the words "the Massey University College of Palmerston North". By omitting from subsection (7) of section 24 the words "Massey College", and substituting the words "the Massey University College of Palmerston North". By repealing paragraph (g) of subsection (2) of section 30. By omitting from paragraph (h) of subsection (2) of section 30 the words "Massey College", and substituting the words "the Massey University College of Palmerston North".

FOURTH SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1961, No. 51—The Victoria University of Wellington Act 1961— <i>continued</i>	<p>By omitting from subsection (1) of section 37 the words “or any related field of study at Massey College, being”, and substituting the words “or veterinary science, being a field of study at the Massey University College of Palmerston North and also”.</p> <p>By omitting from subsections (4), (5), and (6) of section 37 the words “Massey College Council” in each place where they appear, and substituting the words “Council of the Massey University College of Palmerston North”.</p> <p>By omitting from subsections (1), (2), (6), and (7) of section 37 the words “Massey College” in each other place where they appear, and substituting in each case the words “the Massey University College of Palmerston North”.</p>
1961, No. 52—The Lincoln College Act 1961	<p>By omitting from subsection (6) of section 24 the words “Massey College” in each place where they appear, and substituting in each case the words “the Massey University College of Palmerston North”.</p>
1961, No. 54—The Universities Act 1961	<p>By omitting from the definition of the term “University” in section 2 the words “Massey College”, and substituting the words “the Massey University College of Palmerston North”.</p> <p>By repealing the definition of the term “University College of Agriculture” in section 2, and substituting the following definition:</p> <p>“‘University College of Agriculture’ means Lincoln College; and includes the Massey University College of Palmerston North:”.</p>