

## MASSEY UNIVERSITY OF MANAWATU BILL

### EXPLANATORY NOTE

THIS Bill reconstitutes the Massey University College of Manawatu as a University separate from the Victoria University of Wellington, and with power to grant its own degrees. There are consequential changes in the name of the institution, and in the titles of the officers who become the Chancellor, the Pro-Chancellor, and the Vice-Chancellor. With these modifications the Bill re-enacts the Massey University College of Manawatu Act 1962.

*Clause 1* relates to the Short Title and commencement of the Bill. It is to come into force on 1 January 1964.

*Clause 2* governs the interpretation of certain terms used in the Bill.

*Clause 3* constitutes the University.

*Clause 4* constitutes the Court of Convocation of the University. No separate University District is being created for the University, partly because of the wide scope of its functions in matters such as agriculture and veterinary science, and partly because in the meantime the University is providing only a limited number of courses, and students from the Manawatu will continue to rely on other Universities for the other courses. There has therefore been no attempt made to redefine existing University Districts, but this should not cause any difficulties in practice.

*Clause 5* provides for the Governor-General to be the Visitor of the institution instead of the Minister of Education as previously. This is in accordance with the pattern of the University legislation which provides for the Governor-General to be the Visitor of the Universities and the Minister to be the Visitor of the Colleges.

#### *The Council*

*Clauses 6 and 7* provide for the reconstitution of the Council of the institution, the only major change being the omission of the member appointed by the Council of the Victoria University of Wellington.

*Clauses 8 to 16* repeat existing provisions relating to the term of office of Council members, the eligibility of employees to become Council members, disqualification for membership of the Council, casual vacancies and the effect of vacancies, the election of members, meetings and special meetings of the Council, and the appointment of committees.

*Powers of the Council*

*Clause 17* repeats the existing provision making the Council the governing body of the institution.

*Clause 18* contains the normal provisions regarding the appointment of professors, lecturers, etc. The authorities of the Victoria University of Wellington will no longer have any say in the appointment of professors.

*Clause 19* gives the University power to confer its own degrees. As a College it teaches at present for the degrees of the Victoria University of Wellington.

*Clauses 20 to 24* repeat existing provisions regarding the award of certificates, lectures to members of the public, the power of the Council to make statutes and regulations, the seal of the University, and the admission of students.

*The Chancellor and Pro-Chancellor*

*Clauses 25 to 27* are normal provisions relating to the appointment of the Chancellor and Pro-Chancellor of the University, and the right to preside at meetings of the Council.

*The Vice-Chancellor and Acting Vice-Chancellor*

*Clauses 28 and 29* are normal provisions relating to the appointment of the Vice-Chancellor and Acting Vice-Chancellor of the University.

*The Professorial Board*

*Clause 30* reconstitutes the Professorial Board. No members of the Professorial Board of the Victoria University of Wellington will be members of the Professorial Board of the Massey University of Manawatu.

*Clauses 31 to 36* repeat the existing provisions regarding the Chairman of the Professorial Board, meetings of the Board, the effect of vacancies in the number of the Board, the functions of the Board, the power of the Board to appoint committees, and the duty of the Council to consult the Professorial Board on academic matters.

*Financial Provisions*

*Clauses 37 to 55* repeat existing provisions regarding the strict application of benefactions, the application of the income and capital of the University, the banking and investment of money, provision for common fund investment, travelling allowances and expenses and insurance of members of the Council, unauthorised expenditure, University and Students' association fees, grants by the Council to associations of staff or students, the powers and special powers of the Council in respect of property, the power of the Council to borrow by way of overdraft or temporary loan, the grant of loans to students, the annual report and statement of accounts, and the provision of accommodation for adult education purposes at Palmerston North.

*Clause 56* preserves subsisting statutes, regulations, etc., of the University of New Zealand, the Victoria University of Wellington, Massey College, and the Massey University College of Manawatu, so far as they applied to the last-mentioned College and the courses of study thereat immediately before the commencement of this Bill.

*Clauses 57 and 58* provide for consequential amendments and repeals.

*Hon. Mr Tennent*

MASSEY UNIVERSITY OF MANAWATU

---

ANALYSIS

- |  |  |
|--|--|
| Title<br>1. Short Title and commencement<br>2. Interpretation<br>3. Constitution of the University<br>4. Court of Convocation<br>5. Visitor of the University  | 27. Right to preside at meetings of Council  |
| <i>The Council</i>   | <i>The Vice-Chancellor and Acting Vice-Chancellor</i>  |
| 6. Constitution of Council<br>7. Transitional provisions<br>8. Term of office<br>9. Employees as Council members<br>10. Disqualification of members of Council<br>11. Casual vacancies in Council<br>12. Proceedings of Council not affected by vacancies, etc.<br>13. Election of members<br>14. Meetings of Council<br>15. Special meetings of Council<br>16. Council may appoint committees | 28. Vice-Chancellor and Principal<br>29. Acting Vice-Chancellor  |
| <i>Powers of the Council</i>   | <i>The Professorial Board</i>  |
| 17. Council to be governing body of University<br>18. Appointment of professors, lecturers, etc.<br>19. Conferment of degrees<br>20. Award of certificates, etc.<br>21. Lectures to members of the public<br>22. Power to make statutes and regulations<br>23. Seal of the University<br>24. Admission of students   | 30. Constitution of Professorial Board<br>31. Chairman of Professorial Board<br>32. Meetings of Professorial Board<br>33. Proceedings of Professorial Board not affected by vacancies, etc.<br>34. Functions of Professorial Board<br>35. Professorial Board may appoint committees<br>36. Council to consult Professorial Board on academic matters   |
| <i>The Chancellor and Pro-Chancellor</i>   | <i>Financial Provisions</i>  |
| 25. Election of Chancellor<br>26. Election of Pro-Chancellor   | 37. Benefactions to be strictly applied<br>38. Application of income and capital of University<br>39. Money to be paid into bank<br>40. Withdrawals from bank<br>41. Loan money to be paid into a separate account<br>42. Investment of money<br>43. Provision for Common Fund investment<br>44. Travelling allowances and expenses of members of Council<br>45. Council may insure members against personal accident while engaged in duties<br>46. Unauthorised expenditure of Council |

47. Council to prescribe fees	53. Power to grant loans to students
48. Fees payable to associations of students	54. Annual report and statement of accounts
49. Grants by Council to associations of staff or students	55. Accommodation for adult education purposes
50. Powers of Council in respect of property	56. Saving of certain statutes, regulations, etc.
51. Special powers	57. Consequential amendments
52. Power to borrow by way of overdraft or temporary loan	58. Repeal Schedules

---

## A BILL INTITULED

### An Act to constitute the Massey University of Manawatu

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

5

**1. Short Title and commencement**—(1) This Act may be cited as the Massey University of Manawatu Act 1963.

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

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

“Academic staff” means the members of the staff of the University who are declared by any statute or regulation of the University to be the academic staff of the University; and in the absence of any such declaration means the lecturers of the University: 15

“The Chancellor” means the Chancellor of the Massey University of Manawatu:

“The Council” means the Council of the Massey University of Manawatu constituted under this Act: 20

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

“General course of study” means the structure of any course for a degree or other academic qualification and the subjects of study in the course; and includes the content of any subject in the course, 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: 25 30

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

10 “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:

15 “The Pro-Chancellor” means the Pro-Chancellor of the Massey University of Manawatu elected under this Act:

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

20 “The Professorial Board” means the Professorial Board of the Massey University of Manawatu constituted under this Act:

“The Registrar” means the Registrar of the Massey University of Manawatu:

25 “The University” means the Massey University of Manawatu constituted under this Act:

“The Vice-Chancellor” means the Vice-Chancellor and Principal of the Massey University of Manawatu appointed under this Act.

Cf. 1962, No. 8, s. 2

30 **3. Constitution of the University**—(1) For the advancement of knowledge and the dissemination and maintenance thereof by teaching and research there shall be in the Provincial District of Wellington a University to be called the Massey University of Manawatu.

35 (2) The University shall consist of the Council, the professors emeriti, the professors, lecturers, junior lecturers, Registrar, and librarian of the University for the time being in office, the graduates and undergraduates of the University, the graduates of the University of New Zealand whose names  
40 are for the time being on the books of the University, the persons whose names are for the time being on the register of the Court of Convocation of the University, and such other persons and classes of persons as the Council may from time to time determine.

(3) The University shall be a body corporate with perpetual succession and a common seal, and may hold real and personal property, and sue and be sued, and do and suffer all that bodies corporate may do and suffer.

(4) The University established under this Act is hereby declared to be the same institution as the institution, known as the Massey University College of Manawatu, existing immediately before the commencement of this Act under the Massey University College of Manawatu Act 1962.

(5) Unless the context otherwise requires, every reference in any enactment or document to Massey College or the Massey University College of Manawatu or the branch of the Victoria University of Wellington at Palmerston North (however they may be described) shall hereafter be read as a reference to the Massey University of Manawatu.

Cf. 1962, No. 8, s. 3

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

(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 University; or
- (b) Was immediately before the commencement of this Act a graduate on the books of the Massey University College of Manawatu; 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
- (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 of the University for the keeping of the register of the Court of Convocation, which statutes or regulations may include provisions prescribing the persons and classes of persons who are eligible for membership of the said Court of Convocation and the circumstances in which, and the conditions (whether as to payment of fee or otherwise) on which, persons are entitled to have their names enrolled on the register of the said Court; and, subject to this Act and to the said statutes or regulations, if any, the said Court shall have power to make such rules for the conduct of its business

as it thinks fit, and until rules governing its meetings are so made shall meet at such times and places as the Council may determine.

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

Cf. 1962, No. 8, s. 4

**5. Visitor of the University**—The Governor-General shall be the Visitor of the University, and shall have all the powers and functions usually possessed by Visitors.

Cf. 1962, No. 8, s. 6

*The Council*

**6. Constitution of Council**—(1) There shall be a Council of the University to be called the Council of the Massey University of Manawatu.

(2) The Council shall consist of:

- (a) Four members to be appointed by the Governor-General:
- (b) Three members, being graduates of any University in New Zealand or elsewhere, to be elected by the Court of Convocation of the University:
- (c) Two members, being members of the Professorial Board, to be appointed by the Professorial Board:  
Provided that the Professorial Board may from time to time appoint another member of the Professorial Board to be a deputy member of the Council while any member of the Council appointed under this paragraph is the Acting Vice-Chancellor:
- (d) One member, being a member of the academic staff of the University, to be elected by that staff:
- (e) One member to be elected by the governing bodies of State secondary schools, combined schools, technical schools, and of such registered private secondary schools as the Council may from time to time determine, being in all cases schools situated in the education districts of Taranaki, Wanganui, Hawke's Bay, and Wellington, excluding the portions of the Education District of Wellington situated within the South Island, and also excluding the County of Hutt, and the cities, boroughs, and town districts in that county, each governing body to have the number of votes specified in subsection (3) of this section:

- (f) One member to be appointed by the Palmerston North City Council:
- (g) One member, being a graduate of a University in New Zealand, to be appointed by the Executive of the Massey University of Manawatu Students' Association: 5
- (h) 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:
- (i) The Vice-Chancellor or, while there is no Vice-Chancellor in office or during the absence or incapacity of the Vice-Chancellor,— 10
- (i) The Acting Vice-Chancellor; or
- (ii) While there is no Acting Vice-Chancellor in office or during the absence or incapacity of the Acting Vice-Chancellor, the 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 post-primary pupils in the school shall be sufficient evidence thereof in the absence of proof to the contrary. 30
- (5) Upon any person completing two consecutive terms each of approximately three years as a member of the Council appointed under paragraph (h) 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) Every deputy member of the Council appointed under the proviso to paragraph (c) of subsection (2) of this section shall—

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

Cf. 1962, No. 8, s. 7

**7. Transitional Provisions—**(1) Upon the commencement of this Act, the members of the Council of the Massey University College of Manawatu who had been appointed or elected to that Council before the month of December, nineteen hundred and sixty-three, under any of the provisions of paragraphs (b), (d), (g), and (h) of subsection (2) of section 7 of the Massey University College of Manawatu Act 1962 and  
20 who were in office immediately before the commencement of this Act shall go out of office and shall not be replaced.

(2) Every person who, during the month of December, nineteen hundred and sixty-three, was elected or appointed to the Council of the Massey University College of Manawatu under any of the provisions of paragraphs (b), (d), and (h) of the Massey University College of Manawatu Act 1962, shall be deemed to have been elected or appointed to the Council of the Massey University of Manawatu under paragraph (b), paragraph (d), or paragraph (g) of subsection (2) of section 6 of this Act, as the case may be, and  
35 shall come into office as a member of that Council on the commencement of this Act.

(3) Every other person who was an elected or appointed member of the Council of the Massey University College of Manawatu and was in office as a member of that Council immediately before the commencement of this Act shall, unless he vacates his office under subsection (1) of section 11 of this Act, continue in office as a member of the Council of the Massey University of Manawatu until the expiration of the  
40 term for which he was elected or appointed.

Cf. 1961, No. 51, s. 7

**8. Term of office**—(1) Except as otherwise provided in this Act, every elected or appointed member of the Council shall hold office for a term of three years, but (except as provided in subsection (5) of section 6 and in section 10 of this Act) may from time to time be re-elected or reappointed. 5

(2) Of the first members of the Council to be appointed by the Council under paragraph (h) of subsection (2) of section 6 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. 10

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

(4) 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 section for their election or appointment. 15

(5) 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, and for the term or the remainder of the term, of the member who should have been elected or appointed. Any person appointed under this subsection shall come into office on a date to be fixed by the Council. 20 25

(6) Every elected or appointed member of the Council, other than a member appointed under paragraph (h) of subsection (2) of section 6 of this Act, unless he sooner vacates his office under section 11 of this Act, shall continue to hold office until his successor comes into office. Every member of the Council appointed under paragraph (h) of subsection (2) of section 6 of this Act shall go out of office at the expiration of his term of office. 30

Cf. 1962, No. 8, s. 8

**9. Employees as Council members**—(1) No person in the employment of the University shall be eligible for office as a member of the Council, otherwise than under paragraph (i) of subsection (2) of section 6 of this Act, unless he is a member appointed by the Professorial Board, or a member elected by the academic staff of the University: 35 40

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 any person to whom any such payment is made shall not be ineligible as aforesaid:

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

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

Cf. 1962, No. 8, s. 9

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

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

Cf. 1962, No. 8, s. 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
- (c) Is absent without leave from four consecutive meetings of the Council; or
- (d) Becomes ineligible for election or appointment to the Council under the provision of this Act under which he was elected or appointed; or

(e) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or

(f) Is adjudged a bankrupt; or

(g) Is convicted of any offence punishable by imprisonment,—

5

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

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

10

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

15

Cf. 1962, No. 8, s. 11

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

20

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.

25

Cf. 1962, No. 8, s. 12

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

30

(2) 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 University.

35

Cf. 1962, No. 8, s. 13

**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  
5 is present.

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

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

Cf. 1962, No. 8, s. 14

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

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

20 Cf. 1962, No. 8, s. 15

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

(2) The Council may delegate any of its powers and duties, including any powers and duties which it has by delegation  
25 from any other body or person, but (except as provided in subsection (2) of section 35 of this Act) not including this power of delegation, and not including the power to make statutes and regulations, to any such committee or to the Professorial Board or the Vice-Chancellor or any other person;  
30 and the committee or the Professorial Board or the Vice-Chancellor 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 could itself have exercised or performed them.

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

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

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

Cf. 1962, No. 8, s. 16

5

*Powers of the Council*

**17. Council to be governing body of University**—The Council shall be the governing body of the University through which the corporation of the University shall act, and shall have the entire management of and superintendence over the affairs, concerns, and property of the University; 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 University and of any other institution controlled by the Council:

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

Cf. 1962, No. 8, s. 17

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

- (a) To institute the offices of professor and lecturer and such other offices as it thinks fit in connection with the University and any other institution controlled by the Council:
- (b) To appoint and remove all professors, lecturers, teachers, officers, and servants of the University and of any other institution controlled by the Council:
- (c) To appoint and remove examiners, assessors, and moderators:

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

Cf. 1962, No. 8, s. 18

40

**19. Conferment of degrees**—(1) The Council shall have power to confer any degree or to award any other academic qualification specified in the First Schedule to this Act.

5 (2) The Council may from time to time, by statute, add to or omit from the list of degrees and other academic qualifications specified in the First Schedule to this Act the name or description of any degree or other academic qualification or otherwise amend the list; and every such statute shall have effect according to its tenor:

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

(3) The Council shall, in accordance with such conditions as it may prescribe, have power to confer any degree or  
15 to award any academic distinction as an honorary degree or academic distinction:

20 Provided that no honorary degree or academic distinction shall be conferred on or awarded to any person by the Council unless that person has been recommended therefor by the Professorial Board.

Cf. 1962, No. 8, s. 19

**20. Award of certificates, etc.**—The Council shall have power, under such conditions as it thinks fit, to award certificates, fellowships, scholarships, bursaries, and prizes, and to  
25 make other awards.

Cf. 1962, No. 8, s. 20

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

Cf. 1962, No. 8, s. 21

**22. Power to make statutes and regulations**—(1) Subject to the provisions of this Act and any other Act, the Council  
35 may from time to time make such statutes of the University as may be necessary or expedient for the administration of the affairs of the University.

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

(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. 5

(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 degrees and other academic qualifications, certificates, fellowships, scholarships, bursaries, prizes, and awards of the University which the Council may confer or award, and with respect to general courses of study and personal courses of study for the same: 10 15

Provided that the content of any subject in any course, and the extent and nature of any practical work required for any such subject, shall be prescribed by the Professorial Board in accordance with paragraph (c) of subsection (2) of section 34 of this Act, and shall not be prescribed by the Council. 20

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

(6) No statute of the University shall come into force until it has been approved by the Governor-General.

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

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

Cf. 1962, No. 8, s. 22

**23. Seal of the University**—The seal of the University 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 40

Cf. 1962, No. 8, 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 to matriculate at the University without further examination.

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

- 10 (a) The person not being of good character; or
- (b) Misconduct or a breach of discipline on the part of the student; or
- 15 (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
- 20 (d) The person being enrolled for full-time instruction in a secondary school, technical school, combined school, district high school, or registered private secondary or technical school; or
- (e) Insufficient academic progress by the student after a reasonable trial at the University or at any other
- 25 University or University College of Agriculture; or
- (f) Insufficiency of accommodation or of teachers in the University or in a faculty or department of the University; or
- 30 (g) The person not having satisfied any conditions prescribed by any course regulations within the meaning of the Universities Act 1961.

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

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

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

(6) A person admitted to the status of the holder of a degree or other academic qualification of the University shall not be deemed to be the holder of the degree or other academic qualification, nor shall he be entitled to be enrolled as a graduate of the University, but he shall be entitled to proceed to any degree or other academic qualification, to which the degree or other academic qualification, to the status of the holder of which he has been admitted, is a prerequisite, upon the same terms and conditions as those upon which a holder of the degree or other academic qualification is entitled so to proceed.

(7) Where a person who has matriculated at any University in New Zealand is admitted to the Massey University of Manawatu, the Council shall give him such credits as it considers appropriate for any units or subjects which he has already passed in New Zealand and with which he has been credited towards a degree or other academic qualification in his former University, or grant him such exemptions as it considers appropriate, so that he may complete his course without suffering undue hardship as a consequence of his transfer.

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

Provided that, in approving his personal course of study, the Professorial Board may, at its discretion, require any such person to complete such supplementary courses as it thinks  
15 fit either as a prerequisite to or concurrently with his course of study for the degree or other academic qualification for which he is a candidate.

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

25 Cf. 1962, No. 8, s. 24; 1961, No. 51, s. 24

#### *The Chancellor and Pro-Chancellor*

**25. Election of Chancellor**—(1) The person who was the Chairman of the Council of the Massey University College of Manawatu immediately before the commencement of this  
30 Act shall become the Chancellor of the Massey University of Manawatu on the commencement of this Act.

(2) At a meeting to be held in the month of June in the year nineteen hundred and sixty-four or as soon as practicable thereafter, and in or near the month of February in every  
35 third year thereafter, the Council shall elect one of its members to be the Chancellor of the Massey University of Manawatu:

Provided that the Vice-Chancellor or any other person who is for the time being a member of the Council under para-  
40 graph (i) of subsection (2) of section 6 of this Act or a member of the Council appointed by the Professorial Board or elected by the academic staff shall not be so elected.

(3) The Chancellor shall be the ceremonial head of the University and the Chairman of the Council.

(4) Unless the Chancellor 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 that office until his successor is elected, and (subject to the provisions of section 10 of this Act) shall be eligible for re-election. 5

(5) If the Chancellor 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 to be elected as Chancellor to be the Chancellor for the remainder of the term for which the vacating Chancellor was elected. 10

(6) For the purpose of the election of the Chancellor for any term, the Registrar of the University 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. 15

(7) Unless the context otherwise requires, every reference in any enactment or document to the Chairman of the Massey College Council or the Chairman of the Council of the Massey University College of Manawatu shall hereafter be read as a reference to the Chancellor of the Massey University of Manawatu. 20

Cf. 1962, No. 8, s. 25; 1961, No. 51, s. 25

25

**26. Election of Pro-Chancellor**—(1) The person who was the Vice-Chairman of the Council of the Massey University College of Manawatu immediately before the commencement of this Act shall become the Pro-Chancellor of the Massey University of Manawatu on the commencement of this Act. 30

(2) At a meeting to be held in the month of June in the year nineteen hundred and sixty-four or as soon as practicable thereafter, and in or near the month of February in every year thereafter, the Council shall elect one of its members who is eligible to be elected as Chancellor to be the Pro-Chancellor of the Massey University of Manawatu. 35

(3) Unless the Pro-Chancellor resigns from that office or vacates his office as a member of the Council under subsection (1) of section 11 of this Act or otherwise, he shall continue to hold the office of Pro-Chancellor until his successor is elected, and (subject to the provisions of section 10 of this Act) shall be eligible for re-election. 40

(4) If the Pro-Chancellor 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, or is elected to be the Chancellor, he shall thereupon vacate the office of Pro-Chancellor, and the Council shall elect one of its members who is eligible to be elected as Chancellor to be the Pro-Chancellor of the Massey University of Manawatu for the remainder of the term for which the vacating Pro-Chancellor was elected.

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

(6) Unless the context otherwise requires, every reference in any enactment or document to the Vice-Chairman of the Massey College Council or the Vice-Chairman of the Council of the Massey University College of Manawatu shall hereafter be read as a reference to the Pro-Chancellor of the Massey University of Manawatu.

Cf. 1962, No. 8, s. 26

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

Cf. 1962, No. 8, s. 27

*The Vice-Chancellor and Acting Vice-Chancellor*

**28. Vice-Chancellor and Principal**—(1) The Council may from time to time appoint some fit and proper person to be the Vice-Chancellor and Principal of the Massey University of Manawatu.

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

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

- (b) He shall, by virtue of his office, be a member of the Council, Chairman of the Professorial Board, a member of every faculty, and a member of every committee set up by the Council or the Professorial Board: 5
- (c) He shall have such duties as the Council, subject to the provisions of this Act, may from time to time specify:
- (d) He may, during the intervals between meetings of the Professorial Board, exercise alone (but subject always to the control of the Council and to a right of appeal to the Professorial Board) such of the powers of the Professorial Board as to maintaining the discipline of the University as may be prescribed in that behalf by statutes or regulations made under the authority of this Act: 10 15
- (e) On the occurrence from any cause of a vacancy in the office of Chancellor, or in the absence of the Chancellor from New Zealand, or while he is incapacitated by sickness or otherwise, if there is also a vacancy in the office of Pro-Chancellor or the Pro-Chancellor is absent from New Zealand or is incapacitated by sickness or otherwise, the Vice-Chancellor shall exercise the powers of the Chancellor in relation to the conferring of degrees and the award of other academic qualifications and distinctions. 20 25
- (3) The Vice-Chancellor 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 constituted by or under any other Act or otherwise) of which the Vice-Chancellor is a member. Any person so appointed shall while so attending be deemed for all purposes to be a member of the board, committee, or other body and may exercise all the rights and powers which the Vice-Chancellor could have exercised had he been personally present. The fact that any member of the Professorial Board so attends shall be sufficient evidence of his authority so to do. 30 35
- (4) Unless the context otherwise requires, every reference in any enactment or document to the Principal of Massey College or the Principal of the Massey University College of Manawatu shall hereafter be read as a reference to the Vice-Chancellor and Principal of the Massey University of Manawatu. 40

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

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

Cf. 1962, No. 8, s. 29; 1961, No. 49, s. 29

*The Professorial Board*

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

(2) The Professorial Board shall consist of:

- (a) The Vice-Chancellor:
- (b) The professors of the University:
- (c) The librarian of the University:
- (d) The director of extramural studies:
- (e) Such lecturers of the University as the Council may from time to time appoint to be members of the Professorial Board:
- (f) Such other members of the staff of the University as the Council, on the recommendation of the Professorial Board, may from time to time appoint to be members of the Professorial Board.

(3) Upon the commencement of this Act, the members of the Professorial Board of the Massey University College of Manawatu who had been appointed to that Board by the Professorial Board of the Victoria University of Wellington shall go out of office and shall not be replaced.

(4) Every other person who was an appointed member of the Professorial Board of the Massey University College of Manawatu and was in office immediately before the commencement of this Act shall continue in office as a member of the Professorial Board of the Massey University of Manawatu until the expiration of the term for which he was appointed.

Cf. 1962, No. 8, s. 30

**31. Chairman of Professorial Board**—(1) Whenever there is no Vice-Chancellor or Acting Vice-Chancellor 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. 5

(2) The person so appointed shall hold office until the appointment of a Vice-Chancellor or Acting Vice-Chancellor or until the election or appointment of his successor under this section, whichever happens first, and shall be eligible for re-election or reappointment, but shall not hold office for more than two terms in succession. 10

Cf. 1962, No. 8, 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. 15 20

(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. 25

(4) At every meeting of the Professorial Board a quorum shall consist of eight members or such other number of members as that Board 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. 30

Cf. 1962, No. 8, 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. 35 40

Cf. 1962, No. 8, 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 University.
- 5 (2) The Professorial Board shall be specially charged with:
- (a) The duty of furthering and coordinating the work of the University and of encouraging scholarship and research; and
- 10 (b) The management of the Library; and
- (c) The duty of prescribing from time to time the content of any subject in any course, and the extent and nature of any practical work required for any such subject.
- 15 (3) The Professorial Board shall have power to deal with all matters relating to the maintenance of discipline amongst the students of the University; 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
- 20 the authority of this Act:
- Provided that any person aggrieved by any disciplinary action of the Professorial Board may appeal to the Council, whose decision shall be final.
- 25 (4) The Professorial Board shall have power to approve personal courses of study proposed by individual students:
- Provided that the Professorial Board shall not approve personal courses of study for a degree or other academic qualification in such a way as to introduce general restrictions not provided for in the course regulations governing the course
- 30 of study for that degree or other academic qualification.
- Cf. 1962, No. 8, s. 34

- 35. Professorial Board may appoint committees**—(1) The Professorial Board may from time to time appoint standing or special committees.
- 35 (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,
- 40 exercise or perform those powers or duties in like manner and with the same effect as the Professorial Board could itself have exercised or performed them:

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

(3) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Professorial Board. 5

(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. 10

Cf. 1962, No. 8, s. 35

**36. Council to consult Professorial Board on academic matters**—The Council shall not make any statute or regulation or decision in relation to entrance to the University or to any course of study for any degree or other academic qualification or certificate, or to any fellowship, scholarship, bursary, prize, or award or the examination or qualification thereof, or to the admission, attendance, and discipline of students, or to examinations and other academic tests, or to the appointment of examiners, assessors, or moderators, or to honorary degrees and other academic distinctions, or any other academic matter, 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. 15 20 25

Cf. 1962, No. 8, s. 36; 1961, No. 51, s. 36

*Financial Provisions*

30

**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 University 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. 35

Cf. 1962, No. 8, s. 37

**38. Application of income and capital of University**—(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 University shall be applied in doing whatever the Council thinks expedient in order that the University may best accomplish the purposes for which it is established. 40

(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  
5 to a fund or funds for any one or more of the purposes for which that income may be applied.

Cf. 1962, No. 8, s. 38

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

Cf. 1962, No. 8, s. 39

**40. Withdrawals from bank**—No money paid into the bank as aforesaid shall be withdrawn from the bank except by authority of the Council and by cheque signed by an officer of the University approved by the Council, and countersigned by a member of the Council, or by another  
20 officer of the University, approved by the Council:

Provided that it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid by the Council by cheque issued by means of a cheque-writing  
25 machine, and every such cheque issued by means of such a machine and bearing a facsimile of the signatures of the persons authorised pursuant to the provisions of this section to sign and countersign cheques shall be deemed to have been  
30 duly signed and countersigned in accordance with the provisions of this section.

Cf. 1962, No. 8, s. 39

**41. Loan money to be paid into a separate account**—All money borrowed by the Council on behalf of or for the purposes of the University, other than money borrowed under  
35 section 52 of this Act, shall be paid into a separate bank account in the name of the loan, and shall not be drawn out of the bank or expended except for the special purposes for which it was borrowed.

Cf. 1962, No. 8, s. 40

**42. Investment of money**—Subject to the terms of any trust or endowment, any money belonging to or vested in the University and available for investment may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds, or in such other manner as the Minister of Finance from time to time approves. 5

Cf. 1962, No. 8, s. 41

**43. Provision for Common Fund investment**—(1) The Council may at any time, if it thinks fit, establish the following funds and account: 10

- (a) A Common Fund to be known as the Massey University of Manawatu Common Fund:
- (b) A Reserve Fund to be known as the Massey University of Manawatu Common Fund Reserve Fund:
- (c) A Common Fund Income Account to be known as the Massey University of Manawatu Common Fund Income Account. 15

(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— 20

- (a) On a separate account in respect of the trust estate to which the funds belong; or 25
- (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. 30

(3) All funds forming part of the said Common Fund shall be invested in the manner required by section 42 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 35 40

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 (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.

10 (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  
15 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  
20 be so credited 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—

25 (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.

30 (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 42 of this Act.

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

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

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

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

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

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

- (a) If the capital of the said Reserve Fund has increased 5 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 10 which the amount was in the said Common Fund and to the proportion which the said amount bears to the average amount of the total assets of the said Common Fund during that period:
- (b) If losses of capital in the said Common Fund have 15 occurred during the said period, then, so far as those losses have not been reinstated and cannot be reinstated from the said Reserve Fund at the time of the withdrawal, that amount shall bear its proportion of those losses, as determined by the Council, 20 and the amount being so withdrawn shall abate accordingly.

Cf. 1962, No. 8, s. 42

**44. Travelling allowances and expenses of members of Council**—(1) The Council may pay to each of its members 25 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 30 apply accordingly.

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

Cf. 1962, No. 8, s. 43

**45. Council may insure members against personal accident 35 while engaged in duties**—The Council may from time to time enter into contracts of insurance of a type for the time being approved by the Minister of Education insuring members of the Council against loss from personal accident arising out of and in the course of the exercise of their powers or duties 40 as members of the Council, and may pay the premiums payable in respect of those contracts.

Cf. 1962, No. 8, s. 44

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

Cf. 1962, No. 8, s. 45

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

Provided that the scales of tuition and of examination fees may be so prescribed only with the concurrence of the Univer-  
15 sity Grants Committee.

Cf. 1962, No. 8, s. 46

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

Cf. 1962, No. 8, s. 47

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

Cf. 1962, No. 8, s. 48

30 50. **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  
35 of and for the purposes of the University, namely:

(a) Establish, build, maintain, repair, add to, alter, rebuild, reinstate, conduct, manage, and control halls of residence for students, professors, and academic staff, and houses for professors and academic  
40 staff and any other of its employees whatsoever, and

buildings and rooms and other facilities for the recreation or social use of students, professors, academic staff, and other employees:

- (b) Purchase, take on lease, or otherwise acquire any real or personal property for any purpose whatsoever in connection with the University or any institution controlled by the Council : 5
  - (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 University: 10
  - (d) With the consent of the Minister of Education, borrow money from the Crown or from any corporation or person; and (for the purpose of securing any money so borrowed) mortgage, charge, or pledge any right, title, estate, or interest in any land vested in the University: 15
  - (e) Grant leases of any land vested in the University; and for that purpose the Council is hereby declared to be a leasing authority within the meaning of the Public Bodies' Leases Act 1908: 20
  - (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. 25
- (2) Notwithstanding anything to the contrary in the Public Bodies' Leases Act 1908 or in any lease granted by the Council, the Council may—
- (a) In its 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 University that does not confer a right of renewal, grant a renewal of the lease upon such terms as it thinks fit; and the provisions of this paragraph shall apply to any such lease whether granted before or after the commencement of this Act, but section 117 of the Land Transfer Act 1952 shall not apply to any such renewal: 30 35
  - (b) With the consent of the Minister of Education, grant leases of land vested in the University upon such terms as that Minister may approve: 40



(c) Grant leases and licences for the extraction and removal of coal and other minerals to which the University is entitled from land vested in the University at such rent or royalties and upon such terms and conditions as the Council may determine.

5

(3) The Minister of Education is hereby empowered to make advances upon such terms as the Minister of Finance may approve to the Council for the purposes of the University out of money appropriated by Parliament for the purpose.

10 Cf. 1962, No. 8, s. 49

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

(a) To conduct such experimental or other farming operations as the Council deems expedient in order efficiently to instruct students of the University:

15

(b) To acquire by purchase, lease, or otherwise, on such terms as the Council determines, such land, implements, stock, and materials as the Council deems necessary for the purposes of such farming operations as aforesaid:

20

(c) To carry out research either on its own initiative or on behalf of the New Zealand Government or any person or body of persons.

25 Cf. 1962, No. 8, s. 50

**52. Power to borrow by way of overdraft or temporary loan**—In addition to the powers conferred by section 50 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 University:

30

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

35

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

40

Cf. 1962, No. 8, s. 51

**53. 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 University, make an advance on such terms and conditions as the Council thinks fit to any student of the University 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 University. 5

Cf. 1962, No. 8, s. 52

**54. 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 University during the immediately preceding year. 10

(2) The Council shall also, as soon as practicable after the end of every financial year of the University, furnish to the Minister of Education and to the University Grants Committee a statement of the assets and liabilities of the University as at the end of that financial year of the University, 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. 15  
20

Cf. 1962, No. 8, s. 53

**55. Accommodation for adult education purposes**—Until the Council of the Victoria University of Wellington and the Council of the Massey University of Manawatu otherwise agree, the Council of the Massey University of Manawatu shall provide for the adult education purposes of the Victoria University of Wellington the accommodation which, immediately before the first day of January, nineteen hundred and sixty-two, was provided at Palmerston North for those purposes by the Council of the Victoria University of Wellington, or accommodation reasonably equivalent thereto. 25  
30

Cf. 1962, No. 8, s. 55 (6)

**56. 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, so far as they were subsisting immediately before the commencement of this Act and then applied to the 35  
40

Massey University College of Manawatu and the courses of study thereat, shall continue to have a like application to the Massey University of Manawatu and those courses of study, except so far as they are repealed, replaced, or amended by  
5 this Act or any other Act, or by appropriate acts of authority of the Council or Professorial Board of the Massey University of Manawatu 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 Massey University of  
10 Manawatu.

(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-  
15 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 applies, so far as they were subsisting immediately before the commencement of this Act and then applied to the Massey University College of Manawatu  
20 and the courses of study thereat, shall continue to have a like application to the Massey University of Manawatu 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 the Council or Professorial Board of the  
25 Massey University of Manawatu 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 Massey University of Manawatu.

(3) All statutes, regulations, rulings, and decisions, and all  
30 acts of authority of the Council or Professorial Board of Massey College or of the Massey University College of Manawatu or any committee appointed by any of those bodies, and all acts of authority of the Principal or any officer of Massey College or of the Massey University College of Manawatu, and all bylaws to which subsection (2) of section 55  
35 of the Massey College Act 1961 applied, so far as they were subsisting immediately before the commencement of this Act and then applied to the Massey University College of Manawatu and the courses of study thereat shall continue  
40 to have a like application to the Massey University of Manawatu and to 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 the Council or Professorial Board of the Massey University of Manawatu

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 Massey University of Manawatu.

(4) All bylaws which apply in accordance with the foregoing provisions of this section to the Massey University of Manawatu 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.

**57. 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 Council of the Massey University College of Manawatu, and inserting in its appropriate alphabetical order the following item:

“The Council of the Massey University of Manawatu	1963, No. 00—The Massey University of Manawatu Act 1963.”	25
---	---	----

(2) Part II of the Schedule to the Public Bodies Meetings Act 1962 is hereby amended by repealing the item relating to the Massey College Council, and inserting in its appropriate alphabetical order the following item:

“The Council of the Massey University of Manawatu	1963, No. 00—The Massey University of Manawatu Act 1963.”	30
---	---	----

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

**58. Repeal**—The Massey University College of Manawatu Act 1962 is hereby repealed.

SCHEDULES

---

FIRST SCHEDULE

Section 19

DEGREES AND OTHER ACADEMIC QUALIFICATIONS

*Degrees:*

Bachelor of Agriculture.  
Bachelor and Master of Agricultural Science.  
Bachelor of Arts.  
Bachelor and Master of Food Technology.  
Doctor of Philosophy.  
Bachelor of Science.  
Bachelor and Master of Veterinary Science.

*Diplomas in:*

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

---

Title of Act	Amendment
1925, No. 30—The Rating Act 1925 (1957 Reprint, Vol. 13, p. 118)	By omitting from section 2, as heretofore amended, the word "College" where it appears after the words "Massey University" in paragraph (h) of the definition of the term "rateable property".
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 that paragraph was substituted by subsection (1) of section 59 of the Universities Act 1961 and amended by subsection (2) of section 58 of the Massey University College of Manawatu Act 1962), and substituting the following subparagraph: “(vi) The Council of the Massey University of Manawatu under section 50 of the Massey University of Manawatu Act 1963.”
1961, No. 51—The Victoria University of Wellington Act 1961 (as amended by subsection (2) of section 58 of the Massey University College of Manawatu Act 1962)	By omitting from subsection (1) of section 9 the words "or of the Massey University College of Manawatu". By omitting from subsection (7) of section 24 the words "or at the Massey University College of Manawatu". By repealing paragraph (h) of subsection (2) of section 30. By repealing section 37. By omitting from the Second Schedule the words "Bachelor of Agriculture", the words "Bachelor and Master of Agricultural Science", and the words "Bachelor of Food Technology".
1961, No. 52—The Lincoln College Act 1961	By omitting from subsection (6) of section 24 (as amended by subsection (2) of section 58 of the Massey University College of Manawatu Act 1962) the word "College" in each place where it appears after the words "Massey University".
1961, No. 54—The Universities Act 1961	By repealing the definitions of the terms "University" and "University College of Agriculture" in section 2, and substituting the following definitions: “‘University’ means, as the case may require, all or any of the following, namely, the University of Otago, the University of Canterbury, the University of Auckland, the Victoria University of Wellington, the Massey University of Manawatu, and the University of Waikato; and includes Lincoln College: “‘University College of Agriculture’ means Lincoln College.”