

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives.*

*24th August, 1926.*

*Hon. Mr. Wright.*

NEW ZEALAND UNIVERSITY AMENDMENT.

ANALYSIS

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A BILL INTITULED

AN ACT to amend the New Zealand University Act, 1908.

Title.

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

1. (1.) This Act may be cited as the New Zealand University Amendment Act, 1926, and shall be read together with and deemed part of the New Zealand University Act, 1908 (hereinafter referred to as the principal Act).
- 10 (2.) This Act shall come into force on the first day of January, nineteen hundred and twenty-seven.

Short Title and commencement

## Interpretation

2. In this Act, unless the context otherwise requires,—
- “The University Council” or “the Council” means the Council of the University of New Zealand :
- “Constituent college” means any one of the University colleges referred to in section *three* hereof : 5
- “Minister” means the Minister of Education :
- “Professor of the University” means a professor on the staff of a constituent college or of the New Zealand College of Agriculture established under the New Zealand Agricultural College Act, 1926, whose appointment as professor has been approved by the University Council, and includes every person who at the commencement of this Act holds an appointment as a professor on the staff of a constituent college : 10
- “Registrar” means the Registrar of the University of New Zealand. 15

## THE UNIVERSITY OF NEW ZEALAND.

*Constitution of the University.*

## Reconstitution of University of New Zealand.

3. (1.) The University of New Zealand shall, as from the commencement of this Act, consist of the four University colleges following, that is to say :— 20
- (a.) The corporation known as the University of Otago, established under the University of Otago Ordinance, 1869 :
- (b.) The Canterbury University College, established under the Canterbury College and Canterbury Agricultural College Act, 1896, and originally constituted under the Canterbury College Ordinance, 1873 : 25
- (c.) The Auckland University College, established under the Auckland University College Act, 1882 :
- (d.) The Victoria University College, established under the Victoria College Act, 1905, and originally constituted under the Victoria College Act, 1897. 30
- (2.) The corporate identity of the University shall not be affected by the passing of this Act, but the University shall, notwithstanding the change in its constitution effected by this Act, continue to be for all purposes the same University as before the passing of this Act. 35

*The Council of the University.*

## Constitution of University Council

4. (1.) There shall be a Council of the University, to be called the Council of the University of New Zealand.
- (2.) The Council shall be constituted as follows :— 40
- (a.) The persons for the time being holding office respectively as the Chancellor and Vice-Chancellor of the University :
- (b.) Four members to be appointed by the Governor-General as being persons possessed of business knowledge, administrative capacity, and interest in University education : 45
- (c.) Two members to be appointed by the Council of each of the constituent colleges :
- (d.) Five members to be elected in the prescribed manner by members of the General Court of Convocation constituted under the principal Act : 50

- (a.) Three members, being professors of the University, to be appointed by the Academic Board hereinafter constituted, save that the first three members to be appointed under this paragraph may be appointed at any time after the passing of this Act by the Board of Studies then in office:
- 5 (f.) The Director of Education for the time being in office under the Education Act, 1914.
- (3.) In addition to the members provided for under the *last preceding* subsection, the Council may from time to time appoint one  
10 other person to be a member of the Council.
- (4.) No person in the employment of the University Council, or the Council of any constituent college, or the Council of the New Zealand College of Agriculture shall be eligible to be a member of the Council except by virtue of appointment under paragraph (e) of subsection *two*  
15 hereof.
- (5.) The members appointed or elected under paragraphs (b), (c), (d), and (e) of subsection *two* hereof, or appointed under subsection *three* hereof, shall be appointed or elected for a term of three years, but shall, unless disqualified as hereinafter provided, be entitled to continue in  
20 office until the appointment or election of their successors in office.
- (6.) The first election of members of the Council under paragraph (d) of subsection *one* hereof shall be conducted in manner prescribed by regulations to be made in that behalf by the Governor-General in Council. Subsequent elections under the said paragraph shall be made  
25 in accordance with the statutes of the Council.
- (7.) The Council shall be deemed to be constituted on a day to be fixed in that behalf by the Governor-General in Council.
- (8.) The powers of the Council shall not be affected by any vacancy in the membership thereof.
- 30 (9.) All references in any Act to the Senate of the University shall after the commencement of this Act be construed as references to the Council established by this Act.
5. (1.) If any member of the Council—
- (a.) Dies; or
- 35 (b.) Resigns his office by writing under his hand delivered to the Registrar; or
- (c.) Becomes bankrupt, or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his  
40 creditors; or
- (d.) Becomes of unsound mind; or
- (e.) Is convicted on indictment, or is sentenced by the Supreme Court on a plea of "Guilty" to any charge of an indictable offence, or is sentenced for any offence to imprisonment  
45 without the option of a fine by any Court; or
- (f.) Is absent without leave from two consecutive meetings of the Council,—
- he shall thereupon cease to be a member, and the vacancy thereby created shall be deemed to be a casual vacancy.
- 50 (2.) Every casual vacancy shall be filled in the same manner as in the case of the vacating member, and the member so appointed or elected shall hold office only for the residue of the term of the vacating member.

Casual vacancies  
in Council.

(3.) The appointment or election of a member to fill a casual vacancy shall be made not later than sixty days after the vacancy occurs.

(4.) If any vacancy is not filled within sixty days after the vacancy occurs the Governor-General shall forthwith appoint a suitable person to fill such vacancy. 5

Chancellor of  
University.

6. (1.) There shall be a Chancellor of the University, who shall be appointed by the Council to hold office for such period as it may determine. The Chancellor shall on appointment become a member of the Council. 10

Principal of  
University.

(2.) There shall be a Principal of the University, who shall be appointed by the Council, to hold office for such period as it may determine and who shall by virtue of his office as Principal be the Vice-Chancellor of the University.

(3.) If in exercise of its powers under this section the Council appoints one of its members to be the Chancellor or the Principal of the University, the appointment shall be deemed to create a casual vacancy in the membership of the Council. Such vacancy shall be filled, as hereinafter provided with respect to casual vacancies, by appointment or election by the same person or body as appointed or elected the member to his office as member. 20

Chairman of  
Council.

7. (1.) The Chancellor shall by virtue of his office be the Chairman of the Council, and shall be entitled to preside at every meeting of the Council at which he is present.

(2.) In the event of the absence of the Chancellor from any meeting of the Council the Vice-Chancellor, if present, shall preside thereat. 25

(3.) If both the Chancellor and the Vice-Chancellor are absent from any meeting of the Council the Council shall elect one of its members to preside at that meeting.

Meetings of Council.

8. (1.) The first meeting of the Council shall be held at a time and place to be fixed in that behalf by the Governor-General in Council. Meetings of the Council shall be held at least once in every year thereafter. 30

(2.) A special meeting of the Council shall be convened by the Chancellor or Vice-Chancellor of his own motion or on a requisition in writing signed by not less than eight members of the Council. 35

(3.) At every meeting of the Council the Chairman shall have a deliberative vote, and, in case of an equality of votes, shall also have a casting-vote.

(4.) At any meeting of the Council *twelve* members shall form a quorum. 40

(5.) Save as expressly provided herein, meetings of the Council shall be convened and held in accordance with the provisions in that behalf of the statutes of the Council.

Powers and  
functions of Council.

9. (1.) The Council shall have the entire management of and superintendence over the affairs, concerns, and property of the University, and, subject to any special provisions of this Act, or of the statutes of the Council, 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. 45 50

(2.) The Council may from time to time make statutes not inconsistent with this Act with respect to examinations for degrees and the granting of the same; the mode of election of members of the Council by members of the General Court of Convocation, and of members of the Academic Board by professors of the University; 55

the mode of convening meetings of the Council; the times and places at which such meetings shall be held; and generally with respect to any matters affecting the University:

5 Provided that the Council shall not make or alter any statute with reference to the requirements for matriculation until it has first received and considered any recommendations that may be made in that behalf by the Academic Board and by the University Entrance Board hereinafter constituted unless the said Boards, having had reasonable opportunity to make such recommendations, have failed so  
10 to do.

(3.) No statute passed by the Council of the University as aforesaid shall come into force unless and until it has been approved by the Governor-General in Council.

15 (4.) A copy of any such statute under the seal of the University shall be sufficient evidence of the authenticity of the same in all Courts of justice.

10. (1.) The Council shall have power to confer the following degrees, namely:— Powers of Council to grant degrees.

- 20 Bachelor and Master of Agricultural Science.
- Bachelor and Master of Architectural Science.
- Bachelor and Master of Forestry Science.
- Bachelor and Master of Home Science.
- Bachelor and Master of Medical Science.
- 25 Bachelor and Master of Veterinary Science.
- Bachelor and Master of Arts.
- Bachelor and Master of Commerce.
- Bachelor and Master of Engineering.
- Bachelor and Master of Surgery.
- 30 Doctor of Literature.
- Doctor of Philosophy.
- Bachelor and Doctor of Dental Surgery.
- Bachelor and Doctor of Medicine.
- Bachelor and Doctor of Music.
- Bachelor, Master, and Doctor of Laws.
- 35 Bachelor, Master, and Doctor of Science.

(2.) The said degrees may be conferred either after examination or *ad eundem*, and in either case the grantee shall be deemed to be a graduate of the University.

40 11. (1.) The Council shall also have power to confer— Powers of Council to grant diplomas.

- A Diploma in Public Health:
- A Diploma in Education:
- Such other diplomas as may be provided for in any statute made by the Council pursuant to this Act.

45 (2.) The said diplomas may be conferred either after examination or *ad eundem*.

12. Such reasonable fees shall be charged for the degrees and diplomas conferred by it as the Council from time to time by statute prescribes. Council may prescribe fees.

50 13. It shall not be necessary that the courses of study or methods of examinations prescribed for any degree or diploma shall be the same for each of the constituent colleges. Differentiation in courses of study.

14. (1.) The Council may from time to time appoint standing or special committees, and may delegate to any such committee any of Council may appoint committees and delegate powers.

the powers and duties of the Council except the power to make statutes or to confer degrees or diplomas.

(2.) Every committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Council, exercise or perform the same in like manner and with the same effect as the Council could itself have exercised or performed them. 5

*The Academic Board.*

Constitution of  
Academic Board.

15. (1.) There shall be an Academic Board for the University, constituted as follows:—

(a.) The Vice-Chancellor of the University, who shall be the Chairman of the Board:

(b.) The Chairman for the time being of the Professorial Board of each of the four constituent colleges:

(c.) Eight members to be elected in the prescribed manner by persons for the time being holding office as professors of the University: 15

(d.) Two members of the Professorial Board of each constituent college, to be appointed by the respective Professorial Boards after notification of the results of the election under the *last preceding* paragraph. 20

(2.) The members to be elected under paragraph (c) or appointed under paragraph (d) of the *last preceding* subsection shall be elected or appointed for a term of three years, but shall, unless disqualified as hereinafter provided, be entitled to continue in office until the election or appointment of their successors in office. 25

(3.) The Academic Board shall be deemed to be constituted on a day to be fixed in that behalf by the University Council.

(4.) The powers of the Academic Board shall not be affected by any vacancy in the membership thereof.

(5.) The first election of members of the Academic Board under paragraph (c) of subsection *one* hereof shall be conducted in manner prescribed by regulations to be made in that behalf by the Governor-General in Council. Subsequent elections under the said paragraph shall be made in accordance with the statutes of the Council.

(6.) All references in any Act to the Board of Studies of the University shall, after the commencement of this Act, be construed as references to the Academic Board established by this Act. 35

Casual vacancies in  
membership of  
Academic Board.

16. (1.) If any member of the Academic Board—

(a.) Dies; or

(b.) Resigns his office by writing under his hand delivered to the Registrar; or 40

(c.) Becomes bankrupt, or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors: or 45

(d.) Becomes of unsound mind; or

(e.) Is convicted on indictment, or is sentenced by the Supreme Court on a plea of "Guilty" to any charge of an indictable offence, or is sentenced for any offence to imprisonment without the option of a fine by any Court: or 50

(f.) Is absent without leave from two consecutive meetings of the Board,—

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

5 (2.) Every casual vacancy shall be filled in the same manner as in the case of the vacating member, and the members so appointed or elected shall hold office only for the residue of the term of the vacating member.

10 (3.) The appointment or election of a member to fill a casual vacancy shall be made not later than sixty days after the vacancy occurs.

(4.) If any vacancy is not filled within sixty days after the vacancy occurs the Chancellor shall forthwith appoint a suitable person to fill such vacancy.

15 17. (1.) The Academic Board shall meet at such times, not less than once in each year, and at such places as may be determined by it with the consent of the Chancellor or Vice-Chancellor. The Vice-Chancellor may, of his own motion, and shall, on a requisition in writing signed by not less than eight members of the Board, convene a  
20 special meeting of the Board to meet at a time and place to be determined by the Vice-Chancellor.

Meetings of Academic Board.

(2.) At any meeting of the Academic Board *twelve* members shall form a quorum.

25 (3.) Save as expressly provided herein, the Academic Board shall conduct its business in such manner as it thinks fit.

(4.) The Chairman shall cause correct minutes to be kept of the proceedings of the Board. A copy of such minutes shall be forwarded to the University Council as soon as conveniently may be after each meeting.

30 18. (1.) The Board shall have power of its own motion or at the request of the Council to make recommendations to the Council with respect to any matter affecting the University; and in particular may make recommendations with respect to the appointment of examiners; to the grant or award of degrees, diplomas, scholarships, bursaries, or  
35 prizes; to courses of study; and to the subject-matter and conduct of examinations; and for these purposes may take into consideration the recommendations of the several Professorial Boards.

Powers of Academic Board.

40 (2.) The Board may, with the consent of the Vice-Chancellor, from time to time convene meetings of the professors or lecturers engaged in teaching the same subjects or groups of subjects at the constituent colleges for the purpose of considering and reporting to the Board in respect of any matter on which the Board may desire to make a recommendation to the Council.

45 (3.) The Council may delegate to the Board, either generally or for any specified time, and either subject to or without restriction, such powers of drawing up courses of study, of conducting examinations, and of appointing examiners as it thinks fit. The fact that the Board with the consent of the Council exercises any such power shall be sufficient evidence of its authority so to do.

50 (4.) The Council shall not appoint any examiners, or make or alter any statute with reference to any scheme of study or to examinations for degrees, diplomas, scholarships, bursaries, or prizes, until it has first

received and considered any recommendations that the Academic Board may make in that behalf, unless that Board, having had reasonable opportunity to make such recommendations, has failed so to do.

(5.) Any recommendations made after the passing of this Act and before the commencement thereof by the Board of Studies established under the New Zealand University Amendment Act, 1914, shall be received and dealt with as if they were the recommendations of the Academic Board hereby constituted. 5

Academic Board  
may appoint  
committees and  
delegate powers.

19. (1.) The Academic Board may from time to time appoint standing or special committees; and may delegate to any such committee any of the powers and duties of the Board, including (subject to the approval of the Chancellor or the Vice-Chancellor of the University) any powers that may be delegated to the Board by the Council. 10

(2.) Every committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Academic Board, exercise or perform the same in like manner and with the same effect as the Board could itself have exercised or performed them. 15

#### *The University Entrance Board.*

Constitution and  
functions of  
University Entrance  
Board.

20. (1.) There is hereby established a University Entrance Board, to be constituted as hereinafter in this section provided, whose duty shall be to consider the curricula and courses of study at secondary schools and technical high schools in relation to the educational and other requirements for matriculation at any constituent college. 20

(2.) The University Entrance Board may also consider such other matters in relation to secondary education as may from time to time be referred to it by the Minister of Education, or by the University Council. 25

(3.) The University Entrance Board shall be constituted as follows:—

(a.) The Vice-Chancellor of the University: 30

(b.) Three members to be appointed by the Academic Board:

(c.) Four members to be appointed by the Minister of Education:

(d.) Two members to be elected as hereinafter provided by the Principals of secondary schools:

(e.) One member to be elected as hereinafter provided by the Principals of technical high schools: 35

(f.) One member to be appointed by the Secondary Schools Assistants' Association.

(4.) In addition to the members provided for under the *last preceding* subsection the Board shall from time to time appoint two other persons as members of the Board as representatives of registered private secondary schools. 40

(5.) The several members of the Board shall hold office during the pleasure of the appointing or electing authority, as the case may be.

(6.) The Council of the University may by statute prescribe the method of election of members under paragraphs (d) and (e) of subsection *three* hereof, and may in like manner prescribe the procedure to be adopted by the Board. 45

(7.) In so far as the expenditure of the Board is not defrayed by the Council of the University, it may be defrayed out of moneys to be from time to time appropriated by Parliament for the purpose. 50



FINANCIAL PROVISIONS AFFECTING THE UNIVERSITY AND THE  
CONSTITUENT COLLEGES.

*Subsidies on Voluntary Contributions.*

21. (1.) For the purposes of this section the expression "voluntary contribution" includes any devise, bequest, or gift of money, land, or other property without consideration in money or money's worth.
- (2.) In respect of all voluntary contributions received by the Council of the University or by the Council of any constituent college from any local authority or any person (not being an Education Board, or the governing body of a secondary school or a technical high school), and available for such purposes as may be defined by regulations, subsidies shall, without further appropriation than this Act, be payable out of the Consolidated Fund as follows:—
- (a.) A subsidy at the rate of one pound for every one pound of voluntary contributions which is available for and used solely as a capital endowment from which the income is available for the purposes of the University or the constituent college, as the case may be:
- (b.) A subsidy at the rate of one pound for every one pound of any voluntary contribution received exclusively for the purposes of the Workers' Educational Association:
- (c.) A subsidy at the rate of ten shillings for every one pound of any other voluntary contributions.
- (3.) For the purposes of this section the Minister of Education shall be the sole judge of the value of any land or other property and of its suitability for the purpose for which it is given; and no subsidy shall be given unless the said Minister is satisfied that such land or other property is suitable for such purpose.
- (4.) Unless the Minister of Finance approves, subsidy with respect to any particular voluntary contribution shall not be payable in any financial year to an amount exceeding ten thousand pounds, and in the case of any voluntary contribution the value of which exceeds that sum the balance shall be paid in such instalments as the Minister of Finance shall determine, but so that the whole subsidy payable shall be paid within not more than five years from the date of the receipt of the contribution.
- (5.) Save as provided in the *next succeeding* subsection, all subsidies paid pursuant to this section shall be held wholly and without deduction as a capital endowment of the University or the constituent college, as the case may be. Any moneys for the time being comprised in any such capital endowment may be invested from time to time in any securities in which trust funds may be invested pursuant to the Trustee Act, 1908; and the income derived therefrom shall be available for such of the purposes of the University or the constituent college as the Minister of Education may approve.
- (6.) With the prior consent of the Minister of Education, any subsidy paid in respect of a voluntary contribution in aid of the Workers' Educational Association may be expended in whole or in part for the purpose of carrying out the objects of that Association.

Subsidies payable from Consolidated Fund in respect of voluntary contributions to University or to any constituent college.

(7.) The Governor-General may from time to time by Order in Council make such regulations as may be required for the purposes of this section.

*Annual Reports and Statements of Accounts.*

Annual reports and statements of accounts to be furnished by Council of University and by the Council of each constituent college.

22. The Council of the University and of every constituent college shall, during the month of April in every year, furnish to the Minister a report for the preceding year of the proceedings of the University or of the constituent college, as the case may be. Such report shall contain a statement, in such form as the Governor-General directs, of the total assets and liabilities as at the end of the year, together with an account of receipts and payments and of income and expenditure, showing the financial transactions for the year; and a copy of such report and of the accounts, duly audited by the Audit Office, shall be laid before Parliament. There shall also be laid before Parliament in each year a copy of the statutes passed by the Council of the University in that year.

REPEALS.

Enactments repealed.

23. The enactments mentioned in the Schedule hereto are hereby repealed to the extent indicated in that Schedule.

Schedule.

SCHEDULE.

ENACTMENTS REPEALED.

Name of Enactment.	Extent of Repeal.
1908, No. 132.—The New Zealand University Act, 1908	Sections 3, 4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 24, 25, 26, 27; 31.
1912, No. 5.—The New Zealand University Amendment Act, 1912	The whole Act.
1914, No. 68.—The New Zealand University Amendment Act, 1914	Sections 2, 5, 6, 7, 10, 11, 12, 33.
1915, No. 77.—The New Zealand University Amendment Act, 1915	The whole Act.
1917, No. 28.—The Statute Law Amendment Act, 1917	Section 11.
1918, No. 10.—The War Legislation and Statute Law Amendment Act, 1918	Section 35.
1923, No. 39.—The New Zealand University Amendment Act, 1923	Sections 2, 6.