

[AS REPORTED FROM THE EDUCATION COMMITTEE]

*House of Representatives, 17 July 1963*

Words inserted by the Education Committee are shown in roman underlined with a double rule.

*Hon. Mr Tennent*

## UNIVERSITY OF WAIKATO

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## A BILL INTITULED

### An Act to establish a University in the South Auckland Land District

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 University of Waikato Act 1963.

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

Provided that subsection (4) of section 28 of this Act shall come into force on the passing of this Act.

**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 University of Waikato elected under this Act: 20

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

“Financial year” means the financial year of the University fixed by the Council with the concurrence of the University Grants Committee: 25

“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: 30

- 5       “Lecturer” means a member of the staff of the University of Waikato 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 University of Waikato elected under this Act:
- “*Professor*” means a professor of the University of Waikato; but does not include an associate professor:
- “*The Professorial Board*” means the Professorial Board of the University of Waikato:
- 20       “*The Registrar*” means the Registrar of the University of Waikato:
- “*The University*” means the University of Waikato constituted under this Act:
- “*The Vice-Chancellor*” means the Vice-Chancellor of the University of Waikato appointed under this Act.
- 25       Cf. 1961, No. 50, s. 2

**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 South Auckland Land District a University to be called the University of Waikato.

30       (2) The University shall consist of the Council, the professors emeriti, the professors, lecturers, Registrar, and librarian of the University for the time being in office, the graduates and undergraduates 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.

40       (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.

      Cf. 1961, No. 50, s. 3

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

(2) The said Court of Convocation shall consist of the persons whose names are enrolled on a register to be kept by the Registrar. 5

(3) The Council may from time to time make statutes or regulations for the keeping of the register of the Court of Convocation, which statutes or regulations may include provisions prescribing the persons and classes of persons who are eligible for membership of the said Court of Convocation, 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 10 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.

(4) The said Court may make representations to the Council on any matter concerning the interests of the 20 University.

Cf. 1961, No. 49, 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. 25

Cf. 1961, No. 50, s. 5

#### *The Council*

**6. Constitution of Council**—(1) There shall be a Council of the University to be called the Council of the University of Waikato. 30

(2) Subject to the provisions of section 7 of this Act, the Council shall consist of:

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

(b) Four members, being members of the Professorial Board, to be appointed by the Professorial Board: 35

Provided that the Professorial Board may from time to time appoint another of its members to be a deputy member of the Council while any member of the Council appointed under this paragraph is 40 the Acting Vice-Chancellor:

- (c) One member, being a member of the academic staff of the University who is also a member of the Professorial Board, to be elected by the academic staff.
- 5 (d) One member to be elected by the governing bodies of State secondary schools, technical schools, and combined 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 district of South Auckland as it is constituted at the commencement of this Act, each governing body to have the number of votes specified in subsection (3) of this section:
- 10
- (e) One member to be appointed by the Hamilton City Council:
- 15
- (f) The Vice-Chancellor or, while there is no Vice-Chancellor in office or during the absence or incapacity of the Vice-Chancellor,—
- 20 (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:
- (g) Three members, being graduates of any University in New Zealand or elsewhere, to be elected by the Court of Convocation of the University:
- 25
- (h) Such number of members (not exceeding two) as the Council from time to time after the commencement of this Act thinks fit, to be appointed by the Council.
- 30 (3) For the purposes of an election under paragraph (d) of subsection (2) of this section, the governing body of each school shall have—
- (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.
- 35
- (4) For the purposes of subsection (3) of this section—
- (a) Pupils in any intermediate or lower department of a school shall be excluded:
- (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.
- 40

(5) Upon any person completing six consecutive 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. 5

(6) Every deputy member of the Council appointed under the proviso to paragraph (b) of subsection (2) of this section shall— 10

- (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 (f) of the said subsection (2) : 15
- (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 (b), or until either the Acting Vice-Chancellor or 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. 25

Cf. 1961, No. 50, s. 6

**7. Transitional provisions**—(1) Of the four members to be first appointed to the Council by the Governor-General, two shall be appointed for a term expiring with the thirty-first day of December, nineteen hundred and sixty-five, and two shall be appointed for a term expiring with the thirty-first day of December, nineteen hundred and sixty-six. 30

(2) Of the four members to be first appointed to the Council by the Professorial Board, two shall be appointed for a term expiring with the thirty-first day of December, nineteen hundred and sixty-six, and the others may be appointed at any time after the coming into force of this Act, for such term, not exceeding three years, as shall be specified in each case by the Professorial Board at the time of making the appointment. 40

(3) The first member of the academic staff to be elected by that staff to the Council shall be so elected for a term of one year from the date of that election. The first election to be conducted under this subsection shall be conducted as soon as practicable after the Professorial Board includes among its members at least two persons who are members of the academic staff.

(4) The first member to be elected to the Council under paragraph (d) of subsection (2) of section 6 of this Act shall be so elected at an election to be held as soon as practicable after the commencement of this Act for a term of office expiring with the thirty-first day of December, nineteen hundred and sixty-six.

(5) The first member to be appointed to the Council by the Hamilton City Council shall be so appointed for a term of office expiring with the thirty-first day of December, nineteen hundred and sixty-four.

(6) Of the first three members to be elected to the Council by the Court of Convocation, two members shall be so elected at an election to be held on the first Monday in December, nineteen hundred and sixty-five, or as soon as practicable thereafter; and one member shall be so elected at an election to be held on the first Monday in December, nineteen hundred and sixty-eight, or as soon as practicable thereafter. Every member so elected shall come into office on the first day of January next following the date specified in this section for his election, and shall hold office for a term of three years.

(7) The first members of the Council to be appointed by the Council under paragraph (h) of subsection (2) of section 6 of this Act may, if the Council thinks fit, be appointed for terms of less than three years, to be specified at the time any such appointment is made.

**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.

(2) 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.

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

Provided that, except as otherwise provided in section 7 of this Act, the members of the Council elected or appointed under the provisions of the said section 7 shall come into office on the first day of January, nineteen hundred and sixty-four, or the date of their election or appointment, whichever is the later. 5

(4) 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. 10

(5) 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 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. 15 20

Cf. 1961, No. 50, 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 (f) 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: 25

Provided that the Council may pay to any member for the time being of the Council who has acted, at the request of the Council, as an examiner, assessor, or moderator in any subject or examination a fee or stipend determined in accordance with paragraph (c) of section 18 of this Act, and no person to whom any such fee or stipend is paid shall be ineligible as aforesaid: 30 35

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. 40



(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  
5 common with other members of the staff, has a direct pecuniary interest.

Cf. 1961, No. 50, s. 9

**10. Disqualification of members of Council**—The following persons shall be incapable of being elected or appointed to be  
10 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  
15 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  
20 penalty imposed on him.

Cf. 1961, No. 50, s. 10

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

- (a) Dies; or
- 25 (b) Resigns his office by writing under his hand delivered to the Registrar; or
- (c) Is absent without leave from three consecutive meetings of the Council; or
- 30 (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
- 35 (g) Is convicted of any offence punishable by imprisonment,—

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

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

(3) Every casual vacancy in the office of an elected or appointed member 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. 5

Cf. 1961, No. 50, s. 11

**12. Proceedings of Council not affected by vacancies, etc.—** 10

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. 15

Cf. 1961, No. 50, 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. 20

(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. 25

Cf. 1961, No. 50, s. 13

**14. Meetings of Council—**(1) The Council shall meet at such times and places as it determines. 30

(2) At any meeting of the Council a quorum shall be four members or such greater number of members as the Council may from time to time determine; and no business shall be transacted unless a quorum is present.

(3) At any meeting of the Council the person presiding at the meeting shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote. 35

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

Cf. 1961, No. 50, s. 14

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

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

Cf. 1961, No. 50, s. 15

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

15    (2) The Council may delegate any of its powers and duties, including any powers and duties which it has by delegation from any other body or person, but (except as provided in subsection (2) of section 35 of this Act) not including this power of delegation, and not including the power to make  
20    statutes and regulations, to any such committee or to the Professorial Board or any person; and the committee or the Professorial Board or person, as the case may be, may, without confirmation by the Council, exercise or perform the delegated powers or duties in like manner and with the same effect as  
25    the Council could itself have exercised or performed them.

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

30    (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. 1961, No. 50, s. 16

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*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  
40    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. 1961, No. 50, 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:

Provided that, in the case of the dismissal of a professor or member of the academic staff, no decision shall be taken by the Council until the Council has considered any recommendation made in that behalf by a committee of the Professorial Board, which shall be appointed in that behalf by the Professorial Board, unless—

(i) The Professorial Board, having had reasonable opportunity to appoint such a committee, has failed to do so; or

(ii) The committee so appointed, having had reasonable opportunity to make such a recommendation, has failed to do so:

(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. 1961, No. 50, s. 18

**19. Conferment of degrees—**(1) The Council shall have power to confer any degree or to award any other academic qualification which it is for the time being authorised by a statute of the University to confer or award:

5 Provided that no statute authorising the Council to confer any degree shall come into force until it has been approved by the University Grants Committee.

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

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  
15 Professorial Board.

Cf. 1961, No. 50, 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  
20 make other awards.

Cf. 1961, No. 50, 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,  
25 as it thinks fit, and on such conditions as it thinks fit, and may award certificates to any of them.

Cf. 1961, No. 50, s. 21

**22. Power to make statutes and regulations—**(1) Subject to the provisions of this Act and any other Act, the Council  
30 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  
35 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  
40 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.

(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:

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.

(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.

(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.

Cf. 1961, No. 50, 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.

Cf. 1961, No. 50, 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—

- 5 (a) The person not being of good character; or  
(b) Misconduct or a breach of discipline on the part of the student; or  
(c) The person not having attained the age of sixteen years  
10 on the previous thirty-first day of December, or the person not having attained any other age prescribed in respect of any course of study by any course regulations within the meaning of the Universities Act 1961; or  
(d) The person being enrolled for full-time instruction in  
15 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  
20 reasonable trial at the University or at any other University or University College of Agriculture; or  
(f) Insufficiency of accommodation or of teachers in the University or for any subject of study in the University; or  
(g) The person not having satisfied any conditions pre-  
25 scribed 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  
30 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  
35 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)  
40 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 for any subject of study in the University shall be deemed to exist, and the maximum number of students who  
45 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. 5 10

(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. 15 20

(7) Where a person who has matriculated at any University in New Zealand is admitted to the University of Waikato, 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. 25 30

(8) Any person who is eligible to be admitted or who has been admitted to a degree of the University of New Zealand, or who has been admitted *ad eundem* at graduate status by the Senate of the University of New Zealand, shall be deemed to be of equivalent status in the University of Waikato for the purpose of proceeding to a degree or other academic qualification of the University of Waikato, and shall, subject to the course regulations for the degree or other academic qualification for which he is a candidate, be eligible to proceed to the degree or other academic qualification: 35 40



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

(9) The provisions of subsection (8) of this section shall, with the necessary modifications, apply to any person who is eligible to be awarded or who has been awarded a diploma  
10 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.

(10) Notwithstanding anything to the contrary in this  
15 section, no person shall be admitted as a student of the University before the first day of January, nineteen hundred and sixty-five.

Cf. 1961, No. 50, s. 24

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

20 **25. Election of Chancellor**—(1) As soon as practicable in the year nineteen hundred and sixty-four, and at a meeting to be held in or near the month of February in every third year thereafter, the Council shall elect one of its members to be the Chancellor of the University of Waikato:

25 Provided that the Vice-Chancellor or any other person who is for the time being a member of the Council under paragraph (f) 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.

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

(3) 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  
35 that office until his successor is elected, and (subject to the provisions of section 10 of this Act) shall be eligible for re-election:

Provided that, upon any person completing two consecutive terms each of approximately three years as Chancellor  
40 (not including a term for which he has been elected under subsection (4) of this section) he shall cease to be eligible for re-election as Chancellor until after the lapse of a period of three years during which he did not hold that office.

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

(5) 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; and in the event of an equality of votes the election shall be determined by lot: 10

Provided that, for the purpose of the election of the first Chancellor, a member of the Council who is not eligible to be the Chancellor shall preside at the meeting, where he shall have a deliberative vote. In the event of an equality of votes, the election shall be determined by lot. 15

Cf. 1961, No. 50, s. 25

**26. Election of Pro-Chancellor—**(1) At its first meeting in the year nineteen hundred and sixty-four or as soon as practicable thereafter, and at a meeting to be held in or near the month of February in each 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 University of Waikato. 20

(2) 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, 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. 25

(3) 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 University of Waikato for the remainder of the term. 30 35

(4) 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. 40

Cf. 1961, No. 50, 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. 1961, No. 50, s. 27

*The Vice-Chancellor and Acting Vice-Chancellor*

**28. Vice-Chancellor**—(1) Subject to the provisions of subsection (4) of this section, the Council may from time to time appoint some fit and proper person to be the Vice-Chancellor of the University of Waikato.

(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, and a member of every committee set up by the Council or the Professorial Board;
- (c) He shall have such duties as the Council, subject to the provisions of this Act, may from time to time specify;
- (d) He may, during the intervals between meetings of the Professorial Board, exercise alone (but subject always to the control of the Council and to a right of appeal to the Professorial Board) such of the powers of the Professorial Board as to maintaining the discipline of the University as may be prescribed in that behalf by statutes or regulations made under the authority of this Act;
- (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.

(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.

(4) The Council shall appoint as the first Vice-Chancellor of the University of Waikato the person selected by a committee (in this subsection referred to as the Selection Committee) consisting of the members of the Vice-Chancellors' Committee constituted under the Universities Act 1961 and the members of the Council of the University of Waikato for the time being appointed under paragraphs (a) and (c) of subsection (2) of section 6 of this Act. The said Vice-Chancellors' Committee shall, as soon as practicable after the passing of this Act, arrange for the position to be suitably advertised, and shall take such other action as is necessary to enable the Selection Committee to proceed, as soon as practicable after the commencement of this Act, with arrangements for the interview of such applicants for the office of Vice-Chancellor as the Selection Committee thinks fit. The Vice-Chancellors' Committee or the Selection Committee, as the case may be, may pay or arrange for the payment of all necessary expenses incidental to the appointment, including such travelling expenses as the Selection Committee thinks fit of any applicant for the office of Vice-Chancellor; and the Council of the University shall, after the University comes into existence, reimburse any sums so paid by any other body.

Cf. 1961, No. 50, s. 28; 1962, No. 8, s. 28

**29. Acting Vice-Chancellor**—(1) On the occurrence from any cause of a vacancy in the office of the 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 Acting Vice-Chancellor of the University of Waikato while the vacancy, absence, or incapacity continues. Every person so appointed shall hold the office during the pleasure of the Council.

- 5 (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. 1961, No. 49, s. 29.

10

*The Professorial Board*

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

(2) The Professorial Board shall consist of:

- 15 (a) The Vice-Chancellor:  
(b) The professors of the University:  
(c) 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:  
20 (d) Such other persons, not exceeding seven, being persons who are not members of the staff of the University, as the Council may, subject to the provisions of subsection (3) of this section, from time to time appoint:

25

Provided that the first members of the Professorial Board under this paragraph shall be the members at the date of the passing of this Act (other than the Chairman) of the Academic Committee appointed by the University Grants Committee under section 10 of the Universities Act 1961 as a subcommittee of the University Grants Committee to advise it on the academic development of University education in South Auckland, which members shall hold office for a term of three years from the date of the commencement of this Act.

30

- 35 (3) The members of the Professorial Board to be appointed by the Council under paragraph (d) of subsection (2) of this section shall be appointed in accordance with the following provisions:

- 40 (a) Except in the case of appointments to fill casual vacancies, every member of the Professorial Board appointed under this subsection shall be appointed for such period as the Council, with the concurrence of the University Grants Committee, shall prescribe in each case; and it shall be competent for the Council,

with the like concurrence, to determine the number of such appointments to be made at any time, or that no further appointments shall be made:

- (b) Every such appointment shall be made from a panel containing no fewer names than the University Grants Committee may from time to time determine, which panel shall be submitted to the Council by the University Grants Committee: 5
- (c) It shall be permissible for the University Grants Committee, when determining the number of names to be included in any panel, to provide that the number shall be equal to or greater than the number of appointments to be made by the Council from that panel: 10
- (d) The provisions of section 11 of this Act, with respect to the creation of casual vacancies in the Council, shall, with the necessary modifications, apply with respect to the creation of casual vacancies in the membership of the Professorial Board under paragraph (d) of subsection (2) of this section, and appointments may be made by the Council in accordance with this section to fill any such casual vacancy for the balance of the term of the vacating member: 15 20
- Provided that it shall be permissible for the Council, with the concurrence of the University Grants Committee, to determine not to fill any casual vacancy: 25
- (e) Every member of the Professorial Board appointed under paragraph (d) of subsection (2) of this section may, from time to time, be reappointed. 30

Cf. 1961, No. 50, 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 first 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. 35

(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.

Cf. 1961, No. 50, s. 31

**32. Meetings of Professorial Board**—(1) The person who is entitled in accordance with the provisions of sections 28, 29, and 31 of this Act to be the Chairman of the Professorial Board at any meeting thereof at which he is present shall preside at that meeting. In the absence of any such person from any such meeting, the members present shall elect one of their number to be the Chairman for the purposes of that meeting and the person so elected shall preside at that meeting.

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

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

(4) At every meeting of the Professorial Board a quorum shall consist of three members or such greater number of members as the Professorial 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:

Provided that it shall meet at least once in each year.

Cf. 1961, No. 50, 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.

Cf. 1961, No. 50, 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.

(2) The Professorial Board shall be specially charged with: 5

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

(b) The management of the Library; and

(c) The duty of prescribing from time to time the content 10  
of any subject in any course, and the extent and nature of any practical work required for any such subject.

(3) The Professorial Board shall have power to deal with all matters relating to the maintenance of discipline amongst 15  
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 action of the Professorial Board may appeal to the Council, whose decision shall be final.

(4) The Professorial Board shall have power to approve 25  
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 of 30  
study for that degree or other academic qualification.

Cf. 1961, No. 50, s. 34

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

(2) The Professorial Board may delegate any of its powers 35  
and duties (including any powers and duties which it has by delegation from the Council or any other body or person) to any such committee or to any person; and the committee or person may, without confirmation by the Professorial Board, exercise or perform those powers or duties in like manner and 40  
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.

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

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

10 (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.

Cf. 1961, No. 50, s. 35

15 **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 therefor, 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.

Cf. 1961, No. 50, s. 36

30 *Financial Provisions*

**37. Benefactions to be strictly applied**—Subject to the provisions of the Charitable Trusts Act 1957, all benefactions at any time vested in or enjoyed by the 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.

Cf. 1961, No. 50, s. 38

**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.

(2) Without limiting the generality of subsection (1) of this section, it is hereby declared that the Council may from time to time, out of income which may be applied in accordance with subsection (1) of this section, create, maintain, and add to a fund or funds for any one or more of the purposes for which that income may be applied. 5

Cf. 1961, No. 50, s. 39 10

**39. Money to be paid into bank**—All money received by the University amounting to ten pounds and upwards shall, as soon as practicable after it has come into the hands of the proper officer of the University, be paid into such bank account or accounts of the University as the Council from time to time determines. 15

Cf. 1961, No. 50, s. 40

**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 officer of the University, approved by the Council: 20

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

Cf. 1961, No. 50, s. 40

**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 section 51 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. 35 40

Cf. 1961, No. 50, s. 41

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.

Cf. 1961, No. 50, s. 42

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

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

(2) Subject to the provisions of this section, if the Council has established the said funds and account, it may invest any trust funds in its possession, whether at the time in a state of investment or not, and whether they comprise the whole or part of the trust estate to which they belong, either—

- (a) On a separate account in respect of the trust estate to which the funds belong; or
- (b) If the funds are not directed to be invested in some other specified manner, and investment in the said Common Fund is not inconsistent with the terms of the trust instrument (if any) governing the funds, as part of the said Common Fund.

(3) All funds forming part of the said Common Fund shall be invested in the manner required by section 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 the capital and income of the trust estate to

which the investment belongs. Upon any investment being so transferred it shall cease to form part of the trust estate to which it formerly belonged.

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

(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. 10

(7) In each year interest on the amount of the entitlement of each trust estate in the said Common Fund shall be transferred from the said Common Fund Income Account and credited to that trust estate at such uniform rate as may from time to time be determined by the Council: 15

Provided that in no case shall the rate so determined be lower than one-half per cent below the rate which would be so credited if all the income paid into the said Common Fund Income Account in that year was so transferred. 20

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

(a) All income in the said Common Fund Income Account which is not transferred to any trust estate in that year in accordance with subsection (7) of this section: 25

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

(9) The funds forming part of the said Reserve Fund shall be kept separate from all other trust funds, and shall be invested in the manner authorised by section 42 of this Act. 30

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

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

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

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

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

(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,—

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

Cf. 1962, No. 8, s. 43

**44. Travelling allowances and expenses of members of Council**—(1) The Council may pay to each of its members travelling allowances and expenses; and, in respect of travel in New Zealand, those allowances and expenses shall not exceed those payable in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall  
25 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. 1961, No. 50, s. 44

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

Cf. 1961, No. 50, s. 45

**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 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. 5

Cf. 1962, No. 8, s. 46

**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: 10

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

Cf. 1961, No. 50, s. 47

**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 considers reasonable for the benefit of any association or organisation of students of the University, and to dispose of those fees accordingly. 20

Cf. 1961, No. 50, s. 48

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

Cf. 1961, No. 50, s. 49

**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 of and for the purposes of the University, namely: 30

- (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 staff and any 35

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:

- 5 (b) Purchase, take on lease, or otherwise acquire any real or personal property for any purposes whatsoever in connection with the University or any institution controlled by the Council:
- 10 (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:
- 15 (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:
- 20 (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:
- 25 (f) On such conditions as may be prescribed by the Minister of Finance, guarantee loans made to members of the staff for housing purposes by other persons and bodies.
- (2) Notwithstanding anything to the contrary in the Public Bodies' Leases Act 1908 or in any lease granted by the Council,  
30 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 any land vested in the University that does not confer a right of  
35 renewal, grant a renewal of the lease upon such terms as it thinks fit; but section 117 of the Land Transfer Act 1952 shall not apply to any such renewal:
- 40 (b) With the consent of the Minister of Education, grant leases of land vested in the University upon such terms as that Minister may approve:
- (c) Grant leases and licences for the extraction and removal  
45 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.

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

Cf. 1961, No. 50, s. 50

5

**51. 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 purposes of the University: 10

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: 15

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

Cf. 1961, No. 50, s. 51

20

**52. Annual report and statement of accounts**—(1) The Council shall, during the month of April in every year, furnish to the Minister of Education and to the University Grants Committee a report on the University during the immediately preceding year. 25

(2) The Council shall also, as soon as practicable after the end of every financial year of the University, furnish to the Minister of Education and to the University Grants Committee a statement of the assets and liabilities of the University as at the end of that financial year, together with an account of income and expenditure showing the financial transactions for that year, which statement and account shall be audited by the Audit Office. 30

Cf. 1961, No. 50, s. 52

*Miscellaneous Provisions*

35

**53. Vesting of property in the University of Waikato**—(1) All money and property that, under any will or trust instrument, would after the commencement of this Act have vested in the University of Auckland upon trust or as an endowment for the purposes of its branch at Hamilton shall vest in the University of Waikato upon a like trust or as a like endowment for a like purpose. 40



(2) All personal property of every description vested in the University of Auckland and used for the purposes of its branch at Hamilton is hereby vested on the first day of January, nineteen hundred and sixty-five, in the University of Waikato  
5 subject to all charges, encumbrances, estates, and interests affecting the same.

(3) Except as otherwise provided in this Act or any other Act, all rights, liabilities, contracts, and engagements of the University of Auckland and its Council in respect of its branch  
10 at Hamilton shall on and after the first day of January, nineteen hundred and sixty-five, be rights, liabilities, contracts, and engagements of the University of Waikato and its Council.

**54. Protection of staff**—(1) Any person who, immediately before the first day of January, nineteen hundred and sixty-  
15 five, held a salaried office or employment in the Hamilton branch of the University of Auckland shall, on the first day of January, nineteen hundred and sixty-five, cease to be in the employment of the Council of that University, but shall be entitled to be appointed to an office in the University of  
20 Waikato and to be employed by the Council of that University, commencing on the first day of January, nineteen hundred and sixty-five, on terms and conditions (including terms and conditions as to remuneration and duration of employment, but not including terms and conditions prescribing the title,  
25 duties, or status of the office or employment) not less favourable than those upon which he held that office or employment in the Hamilton branch of the University of Auckland.

(2) No person to whom subsection (1) of this section applies shall have a right to damages or compensation in respect  
30 of the termination, by reason of the operation of this Act, of his tenure of any office or employment in the Hamilton branch of the University of Auckland.

(3) Where, on or after the first day of January, nineteen hundred and sixty-five, any person is appointed to an office  
35 or employment in the University of Waikato in pursuance of this section, the appointment shall be deemed to have been made on the first day of January, nineteen hundred and sixty-five.

Cf. 1962, No. 8, s. 56

**55. 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 first day of January, nineteen hundred and sixty-five, and then applied to the Hamilton branch of the University of Auckland and the courses of study thereat, shall continue to have a like application to the University of Waikato 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 University of Waikato 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 University of Waikato.

(2) All statutes, regulations, rulings, and decisions, and all acts of authority of the Council or Senate of the University of Auckland or of any committee of that Council or Senate or of the Chancellor or Vice-Chancellor or any officer of that University, and all bylaws to which subsection (2) of section 53 of the University of Auckland Act 1961 applies, so far as they were subsisting immediately before the first day of January, nineteen hundred and sixty-five, and then applied to the Hamilton branch of the University of Auckland and the courses of study thereat, shall continue to have a like application to the University of Waikato 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 University of Waikato 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 University of Waikato.

**56. Consequential amendments**—(1) Part II of the Local Authorities (Members' Contracts) Act 1954 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The Council of the University of Waikato		1963, No. 00—The University of Waikato Act 1963.”	40
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(2) Paragraph (d) of section 18 of the Local Authorities Loans Act 1956, as that paragraph was substituted by subsection (1) of section 59 of the Universities Act 1961 and amended by subsection (3) of section 57 of the Massey University of Manawatu Act 1963, is hereby further amended by adding the following subparagraph:

“(vii) The Council of the University of Waikato under section 50 of the University of Waikato Act 1963:”.

(3) Part II of the Schedule to the Public Bodies Meetings Act 1962 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The Council of the University of Waikato | 1963, No. 00—The University of Waikato Act 1963.”