

# VICTORIA UNIVERSITY OF WELLINGTON BILL

## EXPLANATORY NOTE

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

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

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

The Universities Bill provides for the dissolution of the University of New Zealand and the transfer of some of its functions, including the power to confer degrees and diplomas, to the individual Universities, most of its remaining functions being vested in the University Grants Committee. The Bill re-enacts with minor modifications the provisions of the University Grants Committee Act 1960, and also provides for a new Universities Entrance Board to maintain a common educational standard for admission to the Universities. It contains provisions for the continuation of a Curriculum Committee to

coordinate the development of courses for degrees and diplomas. The Committee's main purpose will be to maintain reasonable parity of the academic content of degree and diploma courses, and to safeguard the interests of students transferring from one University to another. Other clauses enable the University Grants Committee to award scholarships and distribute the Government grant for research.

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

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

*Clauses 1 and 2* of the Victoria University of Wellington Bill relate to its Short Title and interpretation.

*Clause 3* provides for the constitution of the Victoria University of Wellington.

*Clause 4* defines the Wellington University District and makes provision for the Court of Convocation for that district.

*Clause 5* provides that the Governor-General shall be the Visitor of the University.

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

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

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

#### *Powers of the Council*

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

*Clause 18* confers on the Council express power to appoint professors, lecturers, and other staff.

*Clause 19* gives the Council power to confer the degrees and to award the other academic qualifications which the Senate of the University of New Zealand at present confers on or awards to students at the Victoria University of Wellington. The Council is given power by statute made with the concurrence of the University Grants Committee to extend the list of degrees and academic qualifications which it may confer or award. The Council is also authorised to confer or award honorary degrees and academic distinctions.

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

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

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

*Clause 23* contains normal provisions regarding the custody and use of the seal of the University.

*Clause 24* defines the rights of academically qualified persons to matriculate at the Victoria University of Wellington for the purpose of pursuing a course of study at that University or at Massey College, and clarifies the rights of a student who seeks to transfer from another University or other place of learning to the Victoria University of Wellington.

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

*Clauses 25 to 27* contain normal provisions in respect of the election of the Chancellor and Pro-Chancellor of the University, and the right to preside at meetings of the Council.

#### *The Vice-Chancellor and Deputy Vice-Chancellor*

*Clauses 28 and 29* provide for the appointment of the Vice-Chancellor and Deputy Vice-Chancellor of the University, and define their functions.

#### *The Professorial Board*

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

#### *Massey College*

*Clause 37* defines the steps to be taken where recommendations in respect of degrees, courses of study, and examinations at Massey College are to be made to the Council of the Victoria University of Wellington.

#### *Affiliated Institutions*

*Clause 38* authorises the Council of the University to affiliate other institutions, and to recognise selected members of the staff thereof as teachers of the University.

#### *Financial Provisions*

*Clause 39* requires benefactions to be strictly applied.

*Clause 40* specifies the purposes for which the income and capital of the University may be applied.

*Cluses 41 to 44* provide for the banking of money belonging to the University, for the payment of loan money into a separate bank account, for the investment of money belonging to the University, and for establishing a Common Fund scheme for investment.

*Cluses 45 and 46* authorise the payment of travelling allowances and expenses of members of the Council; and provide for insuring them against personal accident while they are engaged in their duties.

*Clause 47* makes provision for unauthorised expenditure of the Council.

*Clause 48* authorises the Council to prescribe the fees payable by the students of the University or any of them. Scales of tuition and examination fees may be so prescribed only with the consent of the University Grants Committee.

*Clause 49* authorises the Council to impose and collect fees for the benefit of any association or organisation of students of the University.

*Clause 50* authorises the Council to make grants or loans to associations or organisations of staff or students of the University.

*Clause 51* gives the Council wide power to acquire, administer, and dispose of property.

*Clause 52* gives the Council power to borrow by way of overdraft or temporary loan.

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

#### *Endowment*

*Clause 54* preserves the right of the University to its existing endowment lands.

#### *Repeals and Savings*

*Clause 55* makes consequential repeals.

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*Hon. Mr Tennent*

## VICTORIA UNIVERSITY OF WELLINGTON

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## A BILL INTITULED

**An Act to consolidate and amend certain enactments of the General Assembly relating to the Victoria University of Wellington**

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

**1. Short Title and commencement**—(1) This Act may be cited as the Victoria University of Wellington Act 1961.

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

**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 statute or regulation 15  
 to be the academic staff of the University; and in the absence of any such declaration means the lecturers of the University:

“The Chancellor” means the Chancellor of the Victoria University of Wellington elected under this Act: 20

“The Council” means the Council of the Victoria University of Wellington:

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

5 “General course of study” means the structure of any course for a degree or other academic qualification and the subjects of study in the course; and includes the content of any subject in the course, any set works or periods to be studied, the extent and nature of any practical work required for any such subject, any prerequisites to the course or to the subjects of study in the course, and the types of examination:

10 “Lecturer” means a member of the staff of the Victoria University of Wellington 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:

15 “Personal course of study” means the subjects which an individual student selects for a degree or other academic qualification in accordance with the general course of study for the time being prescribed for all students for the degree or other academic qualification:

20 “The Pro-Chancellor” means the Pro-Chancellor of the Victoria University of Wellington elected under this Act:

25 “Professor” means a professor of the Victoria University of Wellington; but does not include an associate professor:

“Professorial Board” means the Professorial Board of the Victoria University of Wellington:

30 “The Registrar” means the Registrar of the Victoria University of Wellington:

“The University” means the Victoria University of Wellington constituted under this Act:

35 “The Vice-Chancellor” means the Vice-Chancellor and Principal of the Victoria University of Wellington appointed under this Act.

Cf. 1933, No. 26, s. 2; 1957, No. 24, s. 2

40 **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 Wellington University District a University to be called the Victoria University of Wellington.

(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 graduates of the University of New Zealand whose names are for the time being on the register of the Court of Convocation of the Wellington University District, and such other persons and classes of persons as the Council may from time to time determine. 5

(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. 10

(4) The University established under this Act is hereby declared to be the same institution as the institution of that name existing immediately before the commencement of this Act under the Victoria University of Wellington Act 1933 (as amended by the Victoria University of Wellington Amendment Act 1957), which institution was originally established under the name of the Victoria College under the Victoria College Act 1897. 15 20

Cf. 1933, No. 26, s. 3

**4. University District and Court of Convocation—**(1) For the purposes of this Act there shall be a district to be called the Wellington University District, having the boundaries set out in the First Schedule to this Act. 25

(2) The boundaries of the Wellington University District may be altered from time to time by the Governor-General by Order in Council.

(3) There shall be a Court of Convocation for the Wellington University District. 30

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

(5) 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 and the circumstances in which, and the conditions (whether as to payment of fee or otherwise) on which, persons are entitled to have their names enrolled on the register of the said Court; and, subject to this Act and to the said statutes or regulations, if any, the said Court shall have power to make such rules for 35 40



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

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

Cf. 1956, No. 20, s. 3

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

Cf. 1933, No. 26, s. 4

*The Council*

15 **6. Constitution of Council**—(1) There shall be a Council of the University, to be called the Council of the Victoria University of Wellington.

(2) The Council shall consist of:

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

20 (b) Six members, being graduates of the University of New Zealand or of any University in New Zealand, to be elected by the Court of Convocation for the Wellington University District:

(c) Three members, being professors of the University, to be appointed by the Professorial Board:

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

30 (e) One member to be elected by the governing bodies of secondary schools or combined schools situated in the Wellington University District, each governing body to have the number of votes specified in subsection (4) of this section:

(f) The Vice-Chancellor:

35 (g) Such number of members (not exceeding three) as the Council from time to time after the commencement of this Act thinks fit, to be appointed by the Council:

40 (h) One member, being a person who has attended lectures at the University within the period of two years immediately preceding his appointment, to be appointed by the Executive of the Victoria University of Wellington Students' Association (Incorporated):

(i) One member to be appointed by the Wellington City Council.

(3) Upon any person completing six consecutive years as a member of the Council appointed under paragraph (g) 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 10

(4) For the purposes of an election under paragraph (e) 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.
- (5) For the purposes of subsection (4) 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 pupils in the school shall be sufficient evidence thereof in the absence of proof to the contrary. 20

**7. Transitional provision**—Notwithstanding the reconstitution of the Council by section 6 of this Act,— 25

- (a) Every member of the Council who was in office immediately before the commencement of this Act shall, unless he sooner vacates his office under subsection (1) of section 11 of this Act, continue in office as a member of the Council until the expiration of the term for which he was elected or appointed: 30
- (b) The members of the Council elected under paragraphs (b), (c), and (f) of subsection (2) of section 5 of the Victoria University of Wellington Act 1933 shall go out of office at the expiration of the terms for which they were elected, and shall not be replaced; but, if any such member vacates his office before the expiration of his term, the casual vacancy so arising shall be filled as if the other provisions of this Act had not been passed: 35 40

- 5 (c) The provisions of this Act shall apply to those of the members of the Council who were elected or appointed under paragraphs (a), (d), (e), (g), (h), (hh), and (j) of subsection (2) of section 5 of the Victoria University of Wellington Act 1933 as if they had been elected or appointed under paragraphs (a), (b), (e), (i), (c), (d), and (h) respectively of subsection (2) of section 6 of this Act:
- 10 (d) The two additional members to be appointed under paragraph (a) of subsection (2) of section 6 of this Act, one of the additional members to be elected under paragraph (b) of the said subsection (2), and the additional member to be appointed under paragraph (c) of the said subsection (2), shall be elected or appointed not later than the second Monday in June, nineteen hundred and sixty-three, and shall come into office on the first day of July in that year:
- 15 (e) The remaining additional member to be elected under paragraph (b) of subsection (2) of section 6 of this Act shall be elected not later than the second Monday in June, nineteen hundred and sixty-five, and shall come into office on the first day of July in that year:
- 20 (f) Of the first members to be appointed under paragraph (g) of subsection (2) of section 6 of this Act, one may be appointed to come into office on or after the first day of July, nineteen hundred and sixty-three, another may be appointed so as to come into office on or after the first day of July, nineteen hundred and sixty-four, and the remaining one may be appointed so as to come into office on or after the first day of July, nineteen hundred and sixty-five; and the first appointments under that paragraph shall not take effect before the dates specified in
- 30 this paragraph.
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8. **Term of office**—(1) Subject to the provisions of this Act, the members of the Council elected or appointed under paragraphs (a) and (b) of subsection (2) of section 6 of this Act shall hold office for a term of four years, those appointed under paragraph (c) of that subsection shall hold office for a term of three years, and the other elected or appointed members of the Council shall hold office for a term

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of two years. Except as provided in subsection (3) of section 6 and in section 10 of this Act, all elected or appointed members of the Council may from time to time be re-elected or reappointed.

(2) Of the three members to be appointed to the Council 5  
by the Governor-General for terms commencing with the first day of July, nineteen hundred and sixty-three, one shall be appointed for a term of two years, and the others shall be appointed for a term of four years.

(3) Of the three members to be appointed to the Council 10  
by the Professorial Board for terms commencing with the first day of July, nineteen hundred and sixty-three, one shall be appointed for a term of one year, and one shall be appointed for a term of two years, and one shall be appointed for a term 15  
of three years.

(4) Elections or appointments of members to take the place of members whose terms are due to expire with the thirtieth day of June in any year shall be held or made not later than the second Monday in June in that year; and members so elected or appointed shall come into office on the 20  
first day of July following the date specified in this subsection for their election or appointment.

(5) If at the time prescribed by this section for the election or appointment of any member or members, no member or members or insufficient members are elected or appointed, 25  
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.

(6) Every member of the Council elected or appointed under any of the provisions of paragraphs (a), (b), (c), (d), 30  
(e), (h), and (i) of subsection (2) of section 6 of this Act, unless he sooner vacates his office under section 11 of this Act, shall continue to hold office until his successor comes into office. Every member of the Council appointed under para-  
graph (g) of subsection (2) of section 6 of this Act shall go 35  
out of office at the expiration of his term of office.

**9. Employees as Council members—**(1) No person in the employment of the University or of Massey College shall be eligible for office as a member of the Council, unless he is the Vice-Chancellor, a member appointed by the Professorial 40  
Board, or a member elected by the academic staff of the University:

Provided that the Council may pay to any member for the time being of the Council who has acted, at the request of the Council, as an examiner, assessor, or moderator in any subject or examination a fee or stipend determined in accordance with paragraph (c) of section 18 of this Act; and any person to whom any such payment is made shall not be ineligible as aforesaid:

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

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

Cf. 1933, No. 26, s. 7; 1917, No. 28, s. 12 (1)

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

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

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

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

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

(f) Is adjudged a bankrupt; or

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

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

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

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

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Cf. 1933, No. 26, s. 9

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

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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.

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Cf. 1933, No. 26, s. 8; 1954, No. 76, s. 74

**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.

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(2) The elections of members of the Council shall be conducted, and rolls for the elections shall be prepared, in the manner prescribed by statutes or regulations of the University.

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Cf. 1933, No. 26, s. 11

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

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

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

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

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

10 Cf. 1933, No. 26, ss. 12, 14

**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.

15 (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. 1933, No. 26, s. 15

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

(2) The Council may delegate any of its powers and duties, including any powers and duties which it has by delegation from any other body or person, but (except as provided in subsection (2) of section 35 of this Act) not including this  
25 power of delegation, and not including the power to make 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  
30 powers or duties in like manner and with the same effect as the Council could itself have exercised or performed them.

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

35 (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.

40 Cf. 1933, No. 26, s. 16

*Powers of the Council*

**17. Council to be governing body of University**—The Council shall be the governing body of the University through which the corporation of the University shall act, and shall have the entire management of and superintendence over the affairs, concerns, and property of the University; and, subject to the provisions of this Act and any other Act, shall in respect of all such matters have authority to act in such manner as appears to it to be best calculated to promote the interests of the University and of any other institution controlled by the Council: 5 10

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. 15

Cf. 1933, No. 26, s. 17

**18. Appointment of professors, lecturers, etc.**—The Council shall have full power— 20

- (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: 25
- (c) To appoint and remove examiners, assessors, and moderators: 30

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. 35

Cf. 1933, No. 26, s. 18

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

(2) The Council may from time to time, by statute, add to or omit from the list of degrees and other academic qualifications specified in the Second Schedule to this Act the name 40



or description of any degree or other academic qualification or otherwise amend the list; and every such statute shall have effect according to its tenor:

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

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

15 **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 make other awards.

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, as it thinks fit, and on such conditions as it thinks fit, and may award certificates to any of them.

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

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

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

(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. 5

(5) All such statutes and regulations shall be in writing. 10

(6) No statute passed by the Council of the University as aforesaid 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. 15

(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. 1933, No. 26, s. 20 20

**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. 25

Cf. 1933, No. 26, s. 19

**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. 30

(2) The Council shall have power to decline to enrol any student at the University, or in a particular course or courses or in classes in a particular subject or subjects, on the ground of— 35

(a) The person not being of good character; or

(b) Misconduct or a breach of discipline on the part of the student; or 40

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

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

(4) For the purposes of paragraph (f) of subsection (2) of this section the Council may, if it thinks fit, from time to time make statutes defining the circumstances in which  
35 insufficiency of accommodation or of teachers in the University or in a faculty or department of the University shall be deemed to exist, and the maximum number of students who may be admitted to any course or class. No such statute shall come into force until it has been approved by the University  
40 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 Council, to any degree or other academic qualification or part thereof which the Council is empowered to confer or award, the Council may admit that person at its discretion *ad eundem statum* in the University without further examination and may withdraw any such admission at any time. 5

(6) A person admitted to the status of the holder of a degree or other academic qualification or part thereof of the University shall not be deemed to be the holder of the degree or other academic qualification or part thereof, 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 of which the degree or other academic qualification or part thereof to the status of which he has been admitted is a prerequisite upon the same terms and conditions as those upon which a holder of the degree or other academic qualification or part thereof is entitled so to proceed. 10 15 20

(7) Where a person who has been a student of another University and has matriculated at any University in New Zealand is admitted to the Victoria University of Wellington for the purpose of pursuing a course of study at that University or at Massey College, the Council of that University 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 Victoria University of Wellington for the purpose of proceeding to a degree or other academic qualification of the Victoria University of Wellington, 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  
5 of study for the degree or other academic qualification for which he is a candidate.

(9) The provisions of subsection (8) of this section shall, with the necessary modifications, apply to any person who is 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.

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

15 **25. Election of Chancellor**—(1) At its first meeting held in the month of July in the year nineteen hundred and sixty-two, and in every third year thereafter, the Council shall elect one of its members to be the Chancellor of the Victoria University of Wellington:

20 Provided that the Vice-Chancellor or a member of the Council appointed by the Professorial Board or elected by the academic staff shall not be so elected.

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

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

(4) If the Chancellor resigns from that office or vacates his office as a member of the Council under subsection (1) of section 11 of this Act, the Council shall elect some eligible person to be Chancellor for the remainder of the term for  
35 which the vacating Chancellor was elected.

(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. In the event of an equality of votes the election shall be determined by lot.

40 Cf. 1933, No. 26, s. 13

**26. Election of Pro-Chancellor**—(1) At its first meeting held in the month of July in each year, the Council shall elect one of its members who is eligible to be elected as Chancellor to be the Pro-Chancellor of the Victoria University of Wellington. 5

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

(3) If the Pro-Chancellor resigns from that office, or vacates his office as a member of the Council under subsection (1) of section 11 of this Act, or is elected to be the Chancellor, he shall thereupon vacate the office of Pro-Chancellor, and 15 the Council shall elect one of its members who is eligible to be elected as Chancellor to be the Pro-Chancellor of the Victoria University of Wellington for the remainder of the term.

(4) During any vacancy in the office of Chancellor, or in 20 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.

Cf. 1933, No. 26, s. 13 (3) 25

**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 30 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. 35

Cf. 1933, No. 26, s. 13 (4)

*The Vice-Chancellor and Deputy Vice-Chancellor*

**28. Vice-Chancellor and Principal**—(1) The Council may from time to time appoint some fit and proper person to be the Vice-Chancellor and Principal of the Victoria University 40 of Wellington.

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

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

5 (b) He shall, by virtue of his office, be a member of the Council, Chairman of the Professorial Board, a member of every faculty, and a member of every committee set up by the Council or the Professorial Board:

10 (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:

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30 (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 created 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.

Cf. 1933, No. 26, s. 21

**29. Deputy Vice-Chancellor**—(1) The Council may from time to time appoint as the Deputy Vice-Chancellor of the University one of the members of the Council appointed to the Council by the Professorial Board:

Provided that before making such an appointment the Council shall receive and consider 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. 5

(2) The Deputy Vice-Chancellor shall hold office for such period as may be determined by the Council: 10

Provided that he shall cease to be Deputy Vice-Chancellor upon ceasing to be a member of the Council appointed by the Professorial Board.

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

(4) During any vacancy in the office of Vice-Chancellor, or in the absence from New Zealand of the Vice-Chancellor, or while he is incapacitated by sickness or otherwise, the Deputy Vice-Chancellor shall be Chairman of the Professorial Board and may exercise such other of the Vice-Chancellor's functions, powers, and duties, whether arising under any Act or otherwise, as the Council may determine: 20 25

Provided that if at the time when the vacancy, absence, or incapacity occurs there is no Deputy Vice-Chancellor, the Council may appoint a member of the Professorial Board or some other person to be the Acting Vice-Chancellor of the University during the pleasure of the Council and while the vacancy, absence, or incapacity continues, and the Acting Vice-Chancellor shall be Chairman of the Professorial Board and may exercise such other of the Vice-Chancellor's functions, powers, and duties, whether arising by any Act or otherwise, as the Council may determine. 30 35

#### *The Professorial Board*

**30. Constitution of Professorial Board**—(1) There shall be a Professorial Board of the Victoria University of Wellington. 40

(2) The Professorial Board shall consist of:

(a) The Vice-Chancellor:

(b) The professors of the University:

(c) The heads of academic departments of the University who are not professors:



- (d) The librarian of the University:
- (e) Such lecturers of the University as the Council may from time to time appoint to be members of the Professorial Board:
- 5 (f) Such other members of the staff of the University as the Council, on the recommendation of the Professorial Board, may from time to time appoint to be members of the Professorial Board:
- 10 (g) The principal of the branch of the University at Palmerston North:
- (h) Two members of the Professorial Board of Massey College to be appointed by that Board, who shall each hold office for such term as may be specified by that Board when making the appointment and who  
15 may from time to time be reappointed.

Cf. 1933, No. 26, s. 22

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

25 (2) The person so appointed shall hold office until the appointment of a Vice-Chancellor, Deputy 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  
30 shall not hold office for more than two terms in succession.

Cf. 1933, No. 26, s. 23

**32. Meetings of Professorial Board**—(1) The person who is entitled in accordance with the provisions of sections 28, 29, and 31 of this Act to be Chairman of the Professorial  
35 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 Chairman for the purposes of that meeting, and the person so elected shall preside at that  
40 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. 5

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

(5) Save as expressly provided in this Act, the Professorial Board shall have power to make rules as to the time and place of its meetings and the procedure thereat. 10

Cf. 1933, No. 26, s. 25

**33. Proceedings of Professorial Board not affected by vacancies, etc.**—No act or proceeding of the Professorial Board, or of any committee thereof, or of any person acting as a member of the Professorial Board, shall be invalidated in consequence of there being a vacancy in the number of the Professorial Board at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the appointment of any person so acting, or that he was incapable of being or had ceased to be such a member. 15 20

**34. Functions of Professorial Board**—(1) The Professorial Board shall have power of its own motion, or at the request of the Council, to make recommendations or reports to the Council on any matter affecting the University. 25

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

(a) The duty of furthering and coordinating the work of faculties and departments and of encouraging scholarship and research; and 30

(b) The management of the Library.

(3) The Professorial Board shall have power to deal with all matters relating to the maintenance of discipline amongst the students of the 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 the authority of this Act: 35

Provided that any person aggrieved by any action of the Professorial Board may appeal to the Council, whose decision shall be final. 40

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

5 Provided that the Professorial Board shall not approve personal courses of study for a degree or other academic qualification in such a way as to introduce general restrictions not provided for in the course regulations governing the course of study for that degree or other academic qualification.

Cf. 1933, No. 26, s. 26

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

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

20 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.

25 (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.

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

**36. Council to consult Professorial Board on academic matters**—The Council shall not make any statute or regulation or decision in relation to entrance to the University or to any course of study or to the prescription of any subject 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 to the affiliation of any institution

or branch or department thereof, 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.

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*Massey College*

**37. Recommendations in respect of degrees, courses of study, and examinations—**(1) The Professorial Board of Massey College shall have power to recommend to the Professorial Board of the University that the last-mentioned Board shall recommend to the Council of the University that the Council shall make any statute, regulation, or decision with respect to any degree or other academic qualification in agriculture, agricultural science, food technology, or any related field of study at Massey College being a degree or other academic qualification of the Victoria University of Wellington, or to any course of study for the same or to any examination for the same, or to the appointment or removal of any examiner, assessor, or moderator for the same.

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(2) The Professorial Board of the University shall not make any such recommendation unless that Board first receives and considers any recommendation which the Professorial Board of Massey College may make in that behalf.

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(3) The Professorial Board of the University shall consider any such recommendation and shall make its recommendation thereon to the Council of the University.

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(4) Before any such recommendation of the Professorial Board of the University is transmitted to the Council, it shall first be submitted to the Massey College Council, which may, if it thinks fit, make such comment thereon and recommend such modification thereof as it thinks fit.

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(5) Subject to subsection (6) of this section, upon receipt of any comment or recommendation thereon from the Massey College Council, the Registrar of the University shall transmit to the Council of the University for its consideration and determination the recommendation of the Professorial Board of the University together with any comment or recommendation thereon made by the Massey College Council.

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(6) Notwithstanding anything in subsection (5) of this section, in the event of the Massey College Council disagreeing with any recommendation of the Professorial Board of the University, either the Vice-Chancellor of the University or  
5 the Principal of Massey College may refer the matter for further consideration to the Professorial Board of Massey College, the Professorial Board of the University, and the Massey College Council in that order, and any recommendation made on such further consideration by the Professorial  
10 Board of the University, together with any comment or recommendation thereon made by the Professorial Board of Massey College and the Massey College Council, shall thereupon be transmitted to the Council of the University for its consideration and determination.

(7) When any recommendation to which this section applies is before the Council of the University, the Principal of Massey College shall be entitled to attend and in respect of the consideration by the Council of such recommendation shall be deemed to be a member of the Council, with a  
20 right to speak and vote.

(8) The Council of the University may, if it thinks fit, relax or modify the application of all or any of the provisions of this section in respect of any decision to confer or award any degree or other academic qualification.

25 *Affiliated Institutions*

**38. Admission of affiliated institutions**—(1) The Council may, on such terms and conditions and subject to such inspections, reports, and inquiries as it thinks fit, affiliate other institutions or branches or departments thereof situated  
30 within the Wellington University District, or recognise selected members of the staffs thereof as teachers of the University, or admit the members thereof to any of the privileges of the University and accept attendance at courses of study in such institutions or branches or departments thereof in place of  
35 such part of the attendance at courses of study in the University, and upon such terms and conditions and subject to such regulations as may from time to time be determined by the Council.

(2) The Council may at any time revoke any such affiliation,  
40 recognition, admission, or acceptance.

*Financial Provisions*

**39. 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. 5

Cf. 1933, No. 26, s. 27

**40. Application of income and capital of University**—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. 10

Cf. 1933, No. 26, s. 28

**41. Money to be paid into bank**—(1) 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. 20

(2) No such money shall be withdrawn from the bank except by authority of the Council and by cheque signed by an officer of the University approved by the Council, and countersigned by a member of the Council, or by another officer of the University, approved by the Council: 25

Provided that it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid by the Council by cheque issued by means of a cheque-writing machine, and every such cheque issued by means of such a machine and bearing a facsimile of the signatures of the persons authorised pursuant to the provisions of this section to sign and countersign cheques shall be deemed to have been duly signed and countersigned in accordance with the provisions of this section. 30 35

Cf. 1954, No. 74, s. 29

**42. 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 52 of this Act, shall be paid into a separate bank  
5 account in the name of the loan, and shall not be drawn out of the bank or expended except for the special purposes for which it was borrowed.

Cf. 1954, No. 74, s. 30

**43. Investment of money**—Subject to the terms of any trust  
10 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.

15 Cf. 1933, No. 26, s. 29

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

- 20 (a) A Common Fund to be known as the Victoria University of Wellington Common Fund:
- (b) A Reserve Fund to be known as the Victoria University of Wellington Common Fund Reserve Fund:
- (c) A Common Fund Income Account to be known as the  
25 Victoria University of Wellington 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, whether they came into its possession before  
30 or after the commencement of this Act, 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
- 35 (b) If the funds are not directed to be invested in some other specified manner, and investment in the said Common Fund is not inconsistent with the terms of the trust instrument (if any) governing the funds, as part of the said Common Fund.

(3) All funds forming part of the said Common Fund shall be invested in the manner required by section 43 of this Act.

(4) Where any funds of a trust estate are in the possession of the Council and are lawfully invested in any investment in which the said Common Fund may be invested as aforesaid, then, if in accordance with paragraph (b) of subsection (2) of this section the funds could be invested as part of the said Common Fund, the Council may transfer that investment to the said Common Fund and give credit in that Fund to the trust estate for the fair market value of the investment at the time of the transfer. Upon any investment being so transferred it shall cease to form part of the trust estate to which it formerly belonged. 5 10

(5) Investments made from funds forming part of the said Common Fund shall not be made on account of or belong to any particular trust estate, but the Council shall cause to be kept an account showing at all times the entitlement of each trust estate in the said Common Fund. 15

(6) All income derived from the said Common Fund and from the investments and money included therein shall be paid into the said Common Fund Income Account. 20

(7) In each year interest on the amount of the entitlement of each trust estate in the said Common Fund shall be transferred from the said Common Fund Income Account and credited to that trust estate at such uniform rate as may from time to time be determined by the Council: 25

Provided that in no case shall the rate so determined be lower than one-half per cent below the rate which would be so paid if all the income paid into the said Common Fund Income Account in that year was so transferred. 30

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

(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: 35

(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 43 of this Act. 40



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

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

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

10 (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.

15 (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—

20 (a) If the capital of the said Reserve Fund has increased while the said amount was in the said Common Fund, the Council shall pay out of the said Reserve Fund and add to the amount so withdrawn, as capital, such amount (if any) as it considers equitable having regard to the length of the period during which the amount was in the said Common Fund and to the proportion which the said amount bears to the average amount of the total assets of the said Common Fund during that period:

25 (b) If losses of capital in the said Common Fund have occurred during the said period, then, so far as those losses have not been reinstated and cannot be reinstated from the amount in the said Reserve Fund at the time of the withdrawal, that amount shall bear its proportion of those losses, as determined by the Council, and the amount being so withdrawn shall abate accordingly.

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

(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. 1933, No. 26, s. 30; 1954, No. 74, s. 32

**46. Council may insure members against personal accident while engaged in duties**—The Council may from time to time enter into contracts of insurance of a type for the time being approved by the Minister of Education insuring members of the Council against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Council, and may pay the premiums payable in respect of those contracts. 5  
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**47. 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. 15

Cf. 1933, No. 26, s. 31 20

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

Provided that scales of tuition and of examination fees may be so prescribed only with the concurrence of the University Grants Committee. 25

Cf. 1933, No. 26, s. 32

**49. 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. 30

Cf. 1954, No. 74, s. 35

**50. 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.

Cf. 1954, No. 74, s. 36

**51. 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:

- (a) Establish, build, maintain, repair, add to, alter, rebuild, reinstate, conduct, manage, and control halls of residence for students, professors, and other academic staff, and houses for professors and other academic staff and any other of its employees whatsoever, and buildings and rooms and other facilities for the recreation or social use of students, professors, academic staff, and other employees:
- (b) Purchase, take on lease, or otherwise acquire any real or personal property for any purposes whatsoever in connection with the University or any institution controlled by the Council:
- (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:
- (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:
- (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:
- (f) On such conditions as may be prescribed by the Minister of Finance, guarantee loans made to members of the staff for housing purposes by other persons and bodies.

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

- (a) In its absolute discretion, at any time not earlier than three years nor later than one year before the date of the expiration of any lease of any land vested in the University that does not confer a right of renewal, grant a renewal of the lease upon such terms as it thinks fit; and the provisions of this paragraph shall apply to any such lease whether granted before or after the commencement of this Act: 5
- (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: 10
- (c) Grant leases and licences for the extraction and removal of coal and other minerals from land vested in the University at such rent or royalties and upon such terms and conditions as the Council may determine. 15

(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. 20

Cf. 1948, No. 68, s. 20; 1933, No. 26, ss. 35, 36 25

**52. Power to borrow by way of overdraft or temporary loan**—In addition to the powers conferred by section 51 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: 30

Provided that the amount so borrowed shall not at any time exceed one-twelfth of the revenue of the University from all sources during the immediately preceding financial year of the University: 35

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

Cf. 1954, No. 74, s. 38 40

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

(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  
10 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.

*Endowment*

**54. Endowment for University**—(1) The land described in the Third Schedule to this Act shall continue to be vested in Her Majesty as an endowment for the University.

(2) The said land shall be held and administered as Crown land under such of the leasing provisions of the Land Act  
20 1948 as the Minister of Lands from time to time thinks fit; and the net rents and other proceeds derived therefrom and remaining after payment thereof of all necessary expenses attendant on the management and administration of the said land (including the expenses of survey and roading) shall,  
25 without further authority than this Act, be paid over from time to time by the Commissioner of Crown Lands to the Council for the purposes of the University.

*Repeals and Savings*

**55. Repeals and savings**—(1) The enactments specified  
30 in the Fourth Schedule to this Act are hereby repealed.

(2) All bylaws which originated under any of the enactments hereby repealed or under the corresponding provisions of any former enactment and are subsisting or in force on the commencement of this Act shall enure for the purposes  
35 of this Act as fully and effectually as if they had originated as regulations under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to be regulations and to have so originated; and every reference to any such bylaw in any Act, regulation, order, or other  
40 enactment, or in any instrument or document whatsoever shall, after the commencement of this Act, unless inconsistent with the context, be read as a reference to a regulation made under the corresponding provisions of this Act.

SCHEDULES

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Section 4 (1)FIRST SCHEDULE

THE WELLINGTON UNIVERSITY DISTRICT

THE Provincial Districts of Wellington and Hawke's Bay, the portion of the Provincial District of Taranaki which is not within the Counties of Waitomo and Taumarunui, and the portion of the South Island comprising the Counties of Collingwood, Takaka, Waimea, Murchison, Sounds, Marlborough, and Awatere, and the cities, boroughs, and town districts in those counties.

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Section 19SECOND SCHEDULE

DEGREES AND OTHER ACADEMIC QUALIFICATIONS

*Degrees:*

Bachelor of Agriculture.  
 Bachelor and Master of Agricultural Science.  
 Bachelor and Master of Arts.  
 Bachelor and Master of Commerce.  
 Bachelor of Food Technology.  
 Bachelor, Master, and Doctor of Laws.  
 Doctor of Literature.  
 Bachelor and Doctor of Music.  
 Doctor of Philosophy.  
 Bachelor, Master, and Doctor of Science.

*Diplomas in:*

Education.  
 Music.  
 Public Administration.  
 Social Science.

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Section 54THIRD SCHEDULE

Section 1, Block I, Nukumarū Survey District, and Section 1B, Blocks I and V, Nukumarū Survey District. Area, 3,965 acres, more or less. (S.O. Plans 15312 and 15455.)

FOURTH SCHEDULE

Section 55 (1)

ENACTMENTS REPEALED

- 1933, No. 26—The Victoria University of Wellington Act 1933.  
1938, No. 20—The Statutes Amendment Act 1938: Sections 59 to 61.  
1946, No. 40—The Statutes Amendment Act 1946: Section 79.  
1947, No. 5—The Victoria University of Wellington Amendment Act 1947.  
1948, No. 78—The Finance Act (No. 2) 1948: Section 55.  
1950, No. 91—The Statutes Amendment Act 1950: Section 40.  
1953, No. 107—The Reserves and Other Lands Disposal Act 1953: Section 26.  
1954, No. 50—The Criminal Justice Act 1954: So much of the First Schedule as relates to the Victoria University of Wellington Act 1933.  
1957, No. 24—The Victoria University of Wellington Amendment Act 1957.