



ANALYSIS

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1961, No. 50

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

[8 November 1961]

BE IT ENACTED by the General Assembly of New Zealand 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 University of Auckland Act 1961.

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

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

“The Chancellor” means the Chancellor of the University of Auckland elected under this Act:

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

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

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

“Lecturer” means a member of the staff of the University of Auckland 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:

“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:

“The Pro-Chancellor” means the Pro-Chancellor of the University of Auckland elected under this Act:

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

“The Registrar” means the Registrar of the University of Auckland:

“The Senate” means the Senate of the University of Auckland:

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

“The Vice-Chancellor” means the Vice-Chancellor of the University of Auckland appointed under this Act.

Cf. 1954, No. 74, s. 2; 1957, No. 25, 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 Auckland University District a University to be called the University of Auckland.

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

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

(4) The University established under this Act is hereby declared to be the same institution as the institution of that name existing immediately before the commencement of this Act under the University of Auckland Act 1954 (as amended by the University of Auckland Amendment Act 1957), which institution was originally established under the name of the

Auckland University College under the Auckland University College Act 1882.

Cf. 1954, No. 74, 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 Auckland University District, comprising the area specified in the First Schedule to this Act.

(2) The boundaries of the Auckland 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 Auckland University District.

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

(a) Is a graduate of the University; or

(b) Being a graduate of the University of New Zealand, either by examination at any time or by reason of having been admitted *ad eundem gradum* before the first day of January, nineteen hundred and forty-three, is not, by reason of that qualification, enrolled on the register of the Court of Convocation for any other University District in New Zealand, and is otherwise qualified in accordance with statutes made by the Council to be enrolled on the register of the Court of Convocation for the Auckland University District; or

(c) Not being such a graduate, is a professor or graduate full-time member of the staff of the University or a graduate member, approved by the Council as being of University status, of the staff of an institution affiliated to the University; or

(d) Is otherwise entitled in accordance with statutes made by the Council to have his name enrolled on the said register.

(6) The Council may from time to time make statutes for the keeping of the register of the Court of Convocation, which statutes may include provisions prescribing the persons and classes of persons who are eligible under paragraph (b) or paragraph (d) of subsection (5) of this section for membership of the said Court of Convocation and the conditions

(whether as to payment of fee or otherwise) on which persons are entitled to have their names enrolled in the register of the said Court; and, subject to this Act and to the said statutes, if any, the said Court shall have power to make such rules for the conduct of its business as it thinks fit and until rules governing its meetings are so made shall meet at such times and places as the Council may determine.

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

Cf. 1956, No. 20, s. 3

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. 1954, No. 74, 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 Auckland.

(2) The Council shall consist of—

- (a) Three members to be appointed by the Governor-General:
- (b) The Vice-Chancellor or, while there is no Vice-Chancellor in office or during the absence or incapacity of the Vice-Chancellor,—
 - (i) The Deputy Vice-Chancellor; or
 - (ii) While there is no Deputy Vice-Chancellor in office or during the absence or incapacity of the Deputy Vice-Chancellor, the Chairman of the Senate:
- (c) Five members to be appointed by the Senate, of whom four shall be professors, and one shall be a lecturer appointed by the Senate from its sub-professorial members:
- (d) Six members to be elected by the Court of Convocation for the Auckland University District:
- (e) One member to be elected by the governing bodies of State secondary schools, technical schools, and combined schools, and such registered private secondary schools as the Council may from time to time determine, being in all cases schools situated in the

- Auckland University District, each governing body to have one vote for the purposes of any such election:
- (f) One member to be appointed by the Executive Committee of the Auckland University Students' Association Incorporated:
 - (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:
 - (h) The Mayor of Auckland.

7. Transitional provisions—(1) Upon the commencement of this Act the members of the Council who were elected or appointed under paragraphs (d), (e), (g), (h), and (i) of subsection (2) of section 6 of the University of Auckland Act 1954 shall go out of office, and shall not be replaced.

(2) The other members of the Council who were in office immediately before the commencement of this Act shall continue in office for terms expiring as follows:

- (a) Of those of the said members who were appointed by the Governor-General, the term of one (being the one who has been longest in office at the date of the commencement of this Act) shall expire with the thirtieth day of June, nineteen hundred and sixty-two, the term of another (being the one who has been next longest in office at the date of the commencement of this Act) shall expire with the thirtieth day of June, nineteen hundred and sixty-three, and the term of the remaining one shall expire with the thirtieth day of June, nineteen hundred and sixty-four:
- (b) The term of those of the said members who were appointed by the Professorial Board (since called the Senate) shall expire with the thirty-first day of December, nineteen hundred and sixty-two:
- (c) The term of the member who was appointed by the Executive Committee of the Auckland University Students' Association Incorporated shall expire with the thirtieth day of June, nineteen hundred and sixty-two:
- (d) Of those of the said members who were elected by the District Court of Convocation of the Auckland University District, the term of three (being those who have been longest in office at the date of the

commencement of this Act) shall expire with the thirtieth day of June, nineteen hundred and sixty-three, and the term of the remaining three shall expire with the thirtieth day of June, nineteen hundred and sixty-five.

(3) The first member to be elected under paragraph (e) of subsection (2) of section 6 of this Act, and the three additional members to be appointed by the Senate under paragraph (c) of that subsection, shall come into office at the commencement of this Act or as soon thereafter as they are elected or appointed; and if they come into office after the commencement of this Act their terms shall be calculated as if they came into office at the commencement of this Act.

8. Term of office—(1) Subject to the provisions of this Act, the members of the Council elected under paragraph (d) of subsection (2) of section 6 of this Act shall hold office for a term of four years, the members of the Council appointed under paragraphs (c) and (f) of subsection (2) of section 6 of this Act shall hold office for a term of two years, and all other elected or appointed members of the Council shall hold office for a term of three years. All elected or appointed members of the Council may from time to time be re-elected or reappointed.

(2) Elections or appointments of members of the Council 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 third Monday in June in that year; and members so elected or appointed shall come into office on the first day of July following the date specified in this subsection for their election or appointment.

(3) Appointments of members of the Council to take the place of members whose terms are due to expire with the thirty-first day of December in any year shall be made not later than the third Monday in December in that year; and members so appointed shall come into office on the first day of January following the date specified in this subsection for their appointment.

(4) If at the time prescribed by this section for the election or appointment of any member or members of the Council 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.

(5) Every member of the Council elected or appointed under any of the provisions of paragraphs (a), (c), (d), (e), and (f) of subsection (2) of section 6 of this Act, unless he sooner vacates his office under section 11 of this Act, shall continue to hold office until his successor comes into office. Every member of the Council appointed under paragraph (g) of subsection (2) of section 6 of this Act shall go 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 shall be eligible for office as a member of the Council, otherwise than under paragraph (b) or paragraph (h) of subsection (2) of section 6 of this Act, unless he is a member appointed by the Senate:

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:

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. 1954, No. 74, ss. 8, 12

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
- (e) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or
- (f) Is adjudged a bankrupt; or
- (g) Is convicted of any offence punishable by imprisonment,—

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 Mayor of Auckland or 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 (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.

Cf. 1954, No. 74, s. 9

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

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

Cf. 1954, No. 74, s. 6 (3); 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.

(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.

Cf. 1954, No. 74, 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.

(2) At any meeting of the Council six members shall form a quorum, 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.

(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. 1954, No. 74, s. 13

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 five members.

(2) Notice of any such meeting shall be posted to each member at his usual address at least forty-eight hours before the time fixed for the meeting.

Cf. 1954, No. 74, s. 14

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

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

(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. 1954, No. 74, s. 15

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 and to promote and foster adult education:

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 Senate, or in the case of any appointment of academic staff the committee of the Senate specified in the second proviso to that section, and considered any recommendations the Senate or committee may make in that behalf, unless the Senate or committee, having had reasonable opportunity to make such recommendations, has failed to do so.

Cf. 1954, No. 74, s. 16

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 a dismissal of a member of the academic staff, no decision shall be taken by the Council until the Council has considered any recommendations made in that behalf by the Senate, unless the Senate, having had reasonable opportunity to make such recommendations, has failed so to do:

- (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. 1954, No. 74, s. 17

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

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 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 a joint committee of the Council and the Senate set up in accordance with the statutes or regulations of the University.

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.

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.

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.

(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.

(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 this Act.

(4) Subject to the provisions of section 36 of this Act and, where so 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) All such statutes and regulations shall be in writing.

(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.

(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. 1954, No. 74, s. 19

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. 1954, No. 74, s. 18

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 student at the University, or in a particular course or courses, or in classes in a particular subject or subjects on the ground of—

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

(3) The Council shall, as soon as practicable after the commencement of this Act, make a statute or statutes governing the persons and classes of persons who may be enrolled or refused enrolment as external students of the University,

and the conditions under which, and the subjects and courses for which, they may be so enrolled or refused enrolment. The Council may from time to time make further statutes for all or any of the purposes specified in this subsection, and may by statute repeal or amend any statute made under this subsection. No statute made under this subsection shall come into force until it has been approved by the University Grants Committee.

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

(5) Where any person has obtained in any University or other place of learning any degree or other academic qualification or part thereof substantially corresponding or equivalent, in the opinion of the Senate, 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.

(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.

(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 University of Auckland, 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.

(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 Auckland for the purpose of proceeding to a degree or other academic qualification of the University of Auckland, 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:

Provided that, in approving his personal course of study, the Senate 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 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 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

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 University of Auckland:

Provided that the Vice-Chancellor or any other person who is for the time being a member of the Council under paragraph (b) of subsection (2) of section 6 of this Act or a member of the Council appointed by the Senate shall not be so elected.

(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 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 re-election:

Provided that, upon any person completing two consecutive terms each of three years as Chancellor, 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 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 the Chancellor for the remainder of the term for 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.

Cf. 1954, No. 74, s. 20

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 University of Auckland.

(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 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 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 Auckland for the remainder of the term.

(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, other than his powers in relation to the conferring of degrees and the award of other academic qualifications and distinctions.

Cf. 1954, No. 74, s. 20

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. 1954, No. 74, s. 20 (5)

The Vice-Chancellor and Deputy Vice-Chancellor

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

(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 Senate, a member of every faculty, and a member of every committee set up by the Council or the Senate:
- (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 Senate, exercise alone (but subject always to the control of the Council and to a right of appeal to the Senate) such of the powers of the Senate 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, 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 Senate 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 Senate so attends shall be sufficient evidence of his authority so to do.

Cf. 1954, No. 74, s. 21

29. Deputy Vice-Chancellor—(1) The Council may from time to time appoint a professor as the Deputy Vice-Chancellor of the University of Auckland.

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

(3) The Deputy Vice-Chancellor may exercise such of the Vice-Chancellor's functions, powers, and duties, whether arising under any Act or otherwise, as the Council, upon the recommendation of the Vice-Chancellor or (in the absence of such a recommendation) of its own motion, may from time to time either specially or generally delegate to the Deputy Vice-Chancellor.

(4) In addition to the powers conferred upon him by subsection (3) of this section, the Deputy Vice-Chancellor shall, during any vacancy in the office of Vice-Chancellor, or in the absence of the Vice-Chancellor from New Zealand, or while he is incapacitated by sickness or otherwise, be Chairman of the Senate 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.

The Senate

30. Constitution of Senate—(1) There shall be a Senate of the University of Auckland.

(2) The Senate shall consist of:

(a) The Vice-Chancellor:

(b) The professors of the University:

(c) The librarian of the University:

(d) Two lecturers to be elected by the full-time lecturers of the University:

(e) Such other members of the University as the Council, with the advice of the Senate, may from time to time appoint.

(3) The Council may from time to time make statutes or regulations defining the time and manner of holding elections for the purposes of paragraph (d) of subsection (2) of this section, the persons and classes of persons eligible to vote at those elections, and the term for which persons so elected shall hold office.

(4) The Senate of the University of Auckland is hereby declared to be the same body as the Professorial Board of the University of Auckland constituted by section 23 of the University of Auckland Act 1954; and every reference in any enactment or document to the Professorial Board of the University of Auckland shall hereafter be read as a reference to the Senate of the University of Auckland.

Cf. 1954, No. 74, s. 23

31. Chairman of Senate—(1) Whenever there is no Vice-Chancellor or Deputy Vice-Chancellor in office, the Senate 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 Senate; and if it fails to do so the Council may appoint a professor to be the Chairman of the Senate.

(2) The person so appointed shall hold office until the appointment of a Vice-Chancellor or Deputy 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. 1954, No. 74, s. 24

32. Meetings of Senate—(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 Senate 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 Senate 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 Senate shall be decided by a majority of the valid votes recorded thereon.

(4) At every meeting of the Senate a quorum shall consist of such number of members as the Senate 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 Senate 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. 1954, No. 74, s. 26

33. Proceedings of Senate not affected by vacancies, etc.—

No act or proceeding of the Senate, or of any committee thereof, or of any person acting as a member of the Senate, shall be invalidated in consequence of there being a vacancy in the number of the Senate 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.

34. Functions of Senate—(1) The Senate 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 Senate 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

(b) The control of the Library.

(3) The Senate 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 misconduct or 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:

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

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

Provided that the Senate 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. 1954, No. 74, s. 27

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

(2) The Senate 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 Senate, exercise or perform those powers or duties in like manner and with the same effect as the Senate could itself have exercised or performed them:

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

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

(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 Senate.

36. Council to consult Senate 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 institution of the offices of professor or lecturer, or to the appointment of academic staff, including the Vice-Chancellor and Deputy Vice-Chancellor, 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, until it has first received and considered any recommendation that the Senate may make in that behalf, unless the Senate, having had a reasonable opportunity to make such a recommendation, has failed to do so:

Provided that a decision to confer an honorary degree or academic distinction shall be made in the manner provided in subsection (3) of section 19 of this Act, and nothing in this section shall apply to such a decision:

Provided also that in the case of appointments to the academic staff, the Council shall need only to secure a recommendation from a committee of the Senate appointed under section 35 of this Act.

Affiliated Institutions

37. 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 within the Auckland 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 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, recognition, admission, or acceptance.

Financial Provisions

38. 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.

39. 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.

Cf. 1954, No. 74, s. 28

40. 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.

(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:

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.

Cf. 1954, No. 74, s. 29

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.

Cf. 1954, No. 74, s. 30

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. 1954, No. 74, s. 31

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

(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 those interested in the said Common Fund and to those beneficially interested in the capital and income of the trust estate to which the investment belongs. Upon any investment being so transferred it shall cease to form part of the trust estate to which it formerly belonged.

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

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

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

Provided that in no case shall the rate so determined be lower than one-half per cent below the rate which would be

so paid if all the income paid into the said Common Fund Income Account in that year was so transferred.

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

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

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

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

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

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

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

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

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

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

(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:

(b) If losses of capital in the said Common Fund have occurred during the said period, then, so far as those losses have not been reinstated and cannot be reinstated from the amounts in the said Reserve

Fund at the time of the withdrawal, that amount shall bear its proportion of those losses, as determined by the Council, and the amount being so withdrawn shall abate accordingly.

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 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. 1954, No. 74, s. 32

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 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.

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.

Cf. 1954, No. 74, s. 33

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

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

Cf. 1954, No. 74, s. 34

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.

Cf. 1954, No. 74, s. 35

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.

Cf. 1954, No. 74, s. 36

50. Powers of Council in respect of property—(1) Without limiting or in any way affecting any other powers conferred upon the Council by the Auckland University College Reserves Act 1885 or 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 and academic staff, and houses for academic staff and any other of its employees whatsoever, and buildings and rooms and other facilities for the recreation or social use of students, academic staff, and other employees:
- (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:
 - (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 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.
- (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. 1954, No. 74, s. 37

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:

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:

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

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.

(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.

Repeals and Savings

53. Repeals and savings—(1) The enactments specified in the Third 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 of this Act as fully and effectually as if they had originated as regulations under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to be regulations and to have so originated; and every reference to any such bylaw in any Act, regulation, order, or other enactment, or in any instrument or document whatsoever shall, after the commencement of this Act, unless inconsistent with the context, be read as a reference to a regulation made under the corresponding provisions of this Act.

SCHEDULES

FIRST SCHEDULE Section 4 (1)

THE AUCKLAND UNIVERSITY DISTRICT

THE Provincial District of Auckland and those portions of the Provincial District of Taranaki which are within the boundaries of the Counties of Waitomo and Taumarunui.

SECOND SCHEDULE Section 19 (1)

DEGREES AND OTHER ACADEMIC QUALIFICATIONS

Degrees:

Bachelor and Master of Arts.
 Bachelor of Architecture.
 Bachelor and Master of Commerce.
 Bachelor and Master of Engineering.
 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:

Architecture.
 Education.
 Educational Psychology.
 Fine Arts.
 Music.
 Obstetrics.
 Town Planning.
 Urban Valuation.
 Executant Diploma in Music.

THIRD SCHEDULE Section 53 (1)

ENACTMENTS REPEALED

1954, No. 74—The University of Auckland Act 1954.
 1957, No. 25—The University of Auckland Amendment Act 1957.

This Act is administered in the Department of Education.
