

AUCKLAND UNIVERSITY COLLEGE BILL

EXPLANATORY NOTE

THIS Bill consolidates and amends the Auckland University College Act 1882 and its amendments. It follows in its general outline and in most of its details the Victoria University College Act 1933, the Canterbury University College Act 1933, and the Massey Agricultural College Act 1952. The more recent College Acts have all followed the one general pattern but have differed to some extent in points of detail so as to meet local circumstances.

In drafting the Bill it has been necessary to rearrange and rewrite a good deal of the present legislation. Most of the changes affect the form rather than the substance of the legislation. Attention is drawn to the material changes in this note.

Clauses 1 and 2 deal with the Short Title, commencement, and interpretation of the Bill.

Clauses 3 and 4 constitute the Auckland University College as a body corporate, and provide for the continuation of the identity of the College.

Clause 5 provides for the Minister of Education to be the Visitor of the College.

Clause 6 provides for the constitution of the Auckland University College Council with nineteen members. It makes the following changes:

- (a) *Paragraph (2) (c)* increases from four to six the number of members to be elected by the District Court of Convocation of the Auckland University District:
- (b) *Paragraph (2) (h)* reduces from three to two the number of members to be elected by members of the House of Representatives who represent electoral districts wholly or partly within the Auckland University District:
- (c) *Paragraph (2) (i)* is new and provides for one member to be elected by the principals of secondary schools and technical schools in the Auckland University District.

Clause 7 prescribes and in some cases varies the terms of office of the various members of the Council.

Clauses 8 to 10 specify the matters which cause the disqualification of members of the Council, and make provision for the filling of casual vacancies. The provisions have been brought into line with the Victoria University College and Canterbury University College Acts.

Clause 11 deals with the election of members of the Council.

Clause 12 provides that a member of the Council who is in its employment is not to be entitled to vote on matters which affect his salary or in which he, either alone or in common with other members of the staff, has a direct pecuniary interest. The provision does not appear in the present Auckland University College legislation.

Clauses 13 and 14 relate to meetings and special meetings of the Council.

Clause 15 authorizes the Council to appoint standing and special committees and to delegate its powers to committees so appointed. The provision does not appear in the present Auckland University College legislation, but is in the other recent College Acts.

Clause 16 contains a provision similar to that in the other recent College Acts declaring the Council to be the governing body of the College. There is no corresponding provision in the present Auckland University College legislation.

Clause 17 gives the Council power to appoint professors, lecturers, and other staff of the College.

Clause 18 provides that the President of the College is to have custody of its seal.

Clause 19 gives the Council power to make by-laws regulating its procedure and the general administration of the affairs of the College.

Clauses 20 to 25 provide for the appointment of a President and Vice-President and a Principal and Acting Principal of the College; also for the constitution of the Professorial Board and for the appointment of a Chairman and Deputy Chairman of the Board. The main change made in these clauses is that the College Librarian is made a member of the Professorial Board.

Clause 26 contains usual machinery provisions relating to meetings of the Professorial Board.

Clause 27 prescribes the powers of the Professorial Board.

Clause 28 prescribes the purposes for which the income of the College may be applied, and vests in the College the property now in the name of the Council. Under the existing legislation the Council, not the College, is the corporate body. The clause has been brought into line with similar provisions in the Victoria University College and Canterbury University College Acts.

Clauses 29 to 36 contain machinery provisions relating to the banking and investment of moneys, travelling allowances and expenses of members of the Council, unauthorized expenditure, fees, and payments by the Council to associations of students.

Clauses 37 and 38 give the Council wide powers to manage and deal with the property of the College and to borrow money.

Clause 39 and the Schedule contain the usual provisions in connection with repeals and savings.

To enable a comparison to be made with the present legislation, references thereto are given in the margin; and the following table indicates where the present legislation appears in the Bill in the same form or in a modified form.

TABLE OF CORRESPONDING SECTIONS OF ENACTMENTS
REPEALED

THE AUCKLAND UNIVERSITY COLLEGE ACT 1882 (LOCAL), No. 3

Section of Act	Clause of Bill	Section of Act	Clause of Bill
1	1	16	9
2	3	17	13
3	6	18	..
4	3	19	17
5	..	20	18
6	*	21	23
7	5	22	27
8 to 11	*	23	27
12	20	24	*
13	..	25	..
14	13	26	28
15	13, 14		

THE AUCKLAND UNIVERSITY COLLEGE AMENDMENT ACT 1912, No. 14

Section of Act	Clause of Bill	Section of Act	Clause of Bill
1	1	7	7
2	6	8	9
3	..	9	10
4	11	10	9
5	..	11	34
6	7	12	..

THE RESERVES AND OTHER LANDS DISPOSAL AND PUBLIC BODIES EMPOWERING ACT
1917, No. 26

Section of Act	Clause of Bill
123	37

THE AUCKLAND UNIVERSITY COLLEGE AMENDMENT ACT 1923, No. 8

Section of Act	Clause of Bill	Section of Act	Clause of Bill
1	1	3	21, 23
2	20	4	6

THE FINANCE ACT 1932, No. 11

Provision of Act	Clause of Bill
Part of First Schedule	..

THE STATUTES AMENDMENT ACT 1938, No. 20

Section of Act	Clause of Bill
2	24

* Previously repealed.

THE STATUTES AMENDMENT ACT 1941, No. 26

Section of Act	Clause of Bill
3	23

THE AUCKLAND UNIVERSITY COLLEGE AMENDMENT ACT 1947, No. 36

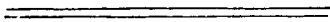
Section of Act	Clause of Bill	Section of Act	Clause of Bill
1	1	3	7
2	6	4

THE STATUTES AMENDMENT ACT 1949, No. 51

Section of Act	Clause of Bill
3	6

THE STATUTES AMENDMENT ACT 1950, No. 91

Section of Act	Clause of Bill
3	33



Hon. Mr Algie

AUCKLAND UNIVERSITY COLLEGE

ANALYSIS

Title.	<i>Principal and Acting Principal</i>
1. Short Title and commencement.	21. Principal of the College.
2. Interpretation.	22. Acting Principal of the College.
<i>The College</i>	
3. Constitution of the College.	<i>The Professorial Board</i>
4. Continuation of identity of the College.	23. Professorial Board.
5. Visitor of the College.	24. Chairman of Professorial Board.
	25. Deputy Chairman.
	26. Meetings of Professorial Board.
	27. Powers of Professorial Board.
<i>The Council</i>	
6. Constitution of Council.	<i>Financial Provisions and Property</i>
7. Term of office of members of Council.	28. Application of income of College and vesting of its property.
8. Disqualification of certain members of Council.	29. Money to be paid into bank.
9. Casual vacancies in Council.	30. Loan money to be paid to a separate account.
10. Notice of vacancies to be given.	31. Investment of money.
11. Election of members of Council.	32. Travelling allowances and expenses of members of Council.
12. Disqualification of employees of Council from voting on certain questions.	33. Unauthorized expenditure.
13. Meetings of Council.	34. Fees.
14. Special meetings of Council.	35. Fees payable to associations of students.
15. Council may appoint committees and delegate powers.	36. Grants by Council to associations of students.
16. Council to be the governing body of the College.	37. Powers of Council in respect of property.
17. Appointment of professors, lecturers, etc.	38. Power to borrow by way of overdraft or temporary loan.
18. Seal.	
19. Council may make by-laws.	
<i>President and Vice-President</i>	
20. President and Vice-President of the College.	<i>Repeals and Savings</i>
	39. Repeals and savings, Schedule.

A BILL INTITULED

Title.	AN ACT to consolidate and amend certain enactments of the General Assembly relating to the Auckland University College.	5
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:	
Short Title and commencement.	1. (1) This Act may be cited as the Auckland University College Act 1954.	10
	(2) This Act shall come into force on the first day of January, nineteen hundred and fifty-five.	
Interpretation.	2. In this Act, unless the context otherwise requires,—	
	“Auckland University District” means the area for the time being comprising the Auckland University District for the purposes of the New Zealand University Act 1908:	15
See Reprint of Statutes, Vol. II, p. 1121	“College” means the Auckland University College constituted under this Act:	20
	“Council” means the Auckland University College Council constituted under this Act:	
	“Lecturer” includes an associate professor:	
	“President” means the person for the time being holding office as President of the College:	25
	“Principal” means the person for the time being holding office as Principal of the College; and includes the person for the time being holding office as Acting Principal of the College:	
	“Professor” does not include an associate professor:	30
	“Professorial Board” means the Professorial Board of the College:	
	“Vice-President” means the person for the time being holding office as Vice-President of the College.	35

The College

Constitution of the College. 1882 (Local), No. 3, ss. 2, 4	3. (1) There shall be a College of the University of New Zealand, to be called the Auckland University College.
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(2) The College shall consist of the Council, the Principal, the professors and all other teaching members of the College staff for the time being in office, the professors emeriti, and the graduates and undergraduates of the University of New Zealand whose names are for the time being on the books of the College.

(3) The College shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

4. The College established under this Act is hereby declared to be the same College as that established under the Auckland University College Act 1882.

5. The Minister of Education shall be the Visitor of the College, and shall have all the powers and functions usually possessed by Visitors.

Continuation of identity of the College.

Visitor of the College.
1882 (Local),
No. 3, s. 7

The Council

6. (1) There shall be a Council of the College, to be called the Auckland University College Council.

Constitution of Council.
1882 (Local),
No. 3, s. 3

(2) The Council shall consist of—

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

1912, No. 14,
s. 2

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

1923, No. 8,
s. 4
1947, No. 36,
s. 2

(c) Six members to be elected by the District Court of Convocation of the Auckland University District:

(d) One member to be appointed by the Auckland Education Board:

(e) One member to be appointed by the Auckland City Council:

(f) One member to be appointed by the Executive Committee of the Auckland University College Students' Association Incorporated:

(g) One member to be elected from and by the members of such class or classes of the teaching staff of the College, not being professors, as the Council from time to time determines:

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- (h) Two members to be elected by such of the members of the House of Representatives as for the time being represent electoral districts wholly or partly within the boundaries of the Auckland University District: 5
- (i) One member to be elected by the principals of the secondary schools (including registered private secondary schools) and technical schools situated within the Auckland University District: 10
- (j) The Principal, or while there is no Principal in office the Acting Principal, or while there is no Principal or Acting Principal in office the Chairman for the time being of the Professorial Board. 15

(3) The powers of the Council shall not be affected by any vacancy in the membership thereof.

Term of office
of members of
Council.

1912, No. 14,
ss. 6, 7

1947, No. 36,
s. 3

7. (1) Except as hereafter provided in this Act, the members of the Council elected by the District Court of Convocation of the Auckland University District shall be elected for a term of four years expiring on the date hereinafter specified, the members of the Council appointed by the Governor-General and the member of the Council appointed by the Auckland City Council shall be appointed for a term of three years expiring on the date hereinafter specified, and the other appointed members and the other elected members of the Council shall be appointed or elected for a term of two years expiring on the date hereinafter specified. 20 25

(2) On the thirtieth day of June, nineteen hundred and fifty-five, and on the same day of every year thereafter, the term of office of the member of the Council appointed by the Governor-General whose term commenced earliest shall expire, and his successor (if then appointed) shall forthwith thereafter come into office. 30 35

(3) Notwithstanding anything to the contrary in paragraph (c) of subsection *two* of section *six* of this Act, the number of members of the Council elected by the District Court of Convocation of the Auckland University District shall continue to be four until the thirtieth day of June, nineteen hundred and fifty-five. 40

On that date the term of office of the two members of the Council elected by the District Court of Convocation of the Auckland University District whose terms commenced earliest shall expire, and four members elected
5 by the District Court of Convocation of the Auckland University District shall (if then elected) forthwith thereafter come into office. On the thirtieth day of June, nineteen hundred and fifty-seven, the term of office of the two members of the Council elected by the
10 District Court of Convocation of the Auckland University District whose terms commenced earliest, and of one of the other members of the Council so elected (to be determined by lot) shall expire, and their successors (if then elected) shall forthwith thereafter come into
15 office. On the thirtieth day of June, nineteen hundred and fifty-nine, and on the same day of every second year thereafter, the term of office of the three members of the Council elected by the District Court of Convocation of the Auckland University District whose terms
20 commenced earliest shall expire, and their successors (if then elected) shall forthwith thereafter come into office.

(4) On the thirtieth day of June, nineteen hundred and fifty-five, and on the same day of every third year
25 thereafter, the term of office of the member of the Council appointed by the Auckland City Council shall expire, and his successor (if then appointed) shall forthwith thereafter come into office.

(5) Notwithstanding anything to the contrary in
30 paragraph (h) of subsection *two* of section *six* of this Act, the three members of the Council who were elected before the commencement of this Act by the members of the General Assembly resident in the Provincial District of Auckland shall all continue in office after the com-
35 mencement of this Act and shall be deemed to have been elected by such of the members of the House of Representatives as for the time being represent electoral districts wholly or partly within the boundaries of the Auckland University District. The term of office of the one of those
40 members of the Council whose term commenced earliest shall expire on the thirtieth day of June, nineteen

hundred and fifty-five, when he shall go out of office and the number of members of the Council elected or deemed to have been elected by the said members of the House of Representatives shall be reduced to two. On the thirtieth day of June, nineteen hundred and fifty-six, and on the same day of every year thereafter, the term of office of the member of the Council elected or deemed to have been elected by the said members of the House of Representatives whose term commenced earliest shall expire and his successor (if then elected) shall forthwith thereafter come into office. 5 10

(6) On the thirtieth day of June, nineteen hundred and fifty-five, and on the same day of every second year thereafter, the term of office of the appointed or elected members of the Council (other than those specified in subsections *two* to *five* of this section) shall expire, and their successors (if then appointed or elected) shall forthwith thereafter come into office. 15

(7) The appointment or election of members of the Council in any year shall be made or held not later than the third Monday in June in that year. 20

(8) Unless he sooner vacates his office as hereinafter provided, every member of the Council who is in office at the commencement of this Act or thereafter comes into office shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed or elected may have expired. 25

(9) Every retiring member of the Council shall be eligible for reappointment or re-election.

Disqualification
of certain
members of
Council.

8. (1) No person shall be capable of being appointed a member of the Council by the Executive Committee of the Auckland University College Students' Association Incorporated, unless at the time of his appointment he has been the holder, for a period of at least two years, of a degree granted by the University of New Zealand. 30 35

(2) Except as provided in paragraphs (*b*), (*g*), and (*j*) of subsection *two* of section *six* of this Act, no person in the employment of the College shall be capable of being elected or appointed to be or of being a member of the Council. 40

9. (1) If any member of the Council—

(a) Dies; or

(b) Resigns his office by writing under his hand delivered to the Council or the President; or

5 (c) Becomes bankrupt; or

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

10 (e) Is absent without the leave of the Council from three consecutive meetings of the Council; or

(f) Being a member appointed by the Professorial Board, ceases to be a member of the Professorial Board; or

15 (g) Being a member elected pursuant to paragraph (g) of subsection *two* of section *six* of this Act, ceases to be a member of the teaching staff of the College; or

20 (h) Being the Principal or Acting Principal, ceases to hold the office of Principal or Acting Principal, as the case may be,—

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

25 (2) Where the Chairman of the Professorial Board becomes a member of the Council under paragraph (j) of subsection *two* of section *six* of this Act by reason of the fact that no Principal is for the time being in office,—

30 (a) If he has been appointed as a member of the Council by the Professorial Board under paragraph (b) of that subsection, his appointment under the said paragraph (b) shall thereupon terminate, and the vacancy shall be deemed to be a casual one:

35 (b) Upon his ceasing to be a member of the Council by reason of the subsequent appointment of a Principal, the members of the Council appointed by the Professorial Board shall go out of office, and the vacancies shall be deemed to be casual ones.

Casual
vacancies
in Council.
1882 (Local),
No. 3, s. 16
1912, No. 14,
ss. 8, 10
See Reprint
of Statutes,
Vol. V, p. 743

(3) Every casual vacancy shall be filled by the appointment or election of a new member in the manner in which the vacating member was appointed or elected, and the member appointed or elected to fill any casual vacancy shall be appointed or elected for only the residue of the term of the vacating member. 5

(4) The appointment or election of a member to fill a casual vacancy shall,—

(a) In the case of a member elected by the District Court of Convocation, be made not later than sixty days after the vacancy occurs: 10

(b) In the case of any other appointed or elected member, be made not later than forty-two days after the vacancy occurs.

(5) If any vacancy, whether casual or otherwise, is not filled within the time prescribed by this Act, the Council may thereafter appoint a suitable person to fill the vacancy. 15

Notice of vacancies to be given. 1912, No. 14, s. 9

10. (1) Whenever a vacancy, whether casual or otherwise, occurs that is to be filled by appointment by the Governor-General it shall be the duty of the Council forthwith to report the fact to the Minister of Education. 20

(2) Whenever a vacancy, whether casual or otherwise, occurs that is to be filled by appointment by the Professorial Board, or by the Auckland Education Board, or by the Auckland City Council, it shall be the duty of the Council forthwith to report the fact to the Board or Council which appointed the vacating member. 25

(3) Whenever a vacancy, whether casual or otherwise, occurs in respect of the office of any other appointed or elected member of the Council it shall be the duty of the Council to do all things necessary to secure the filling of the vacancy. 30

Election of members of Council. 1912, No. 14, s. 4

11. (1) The Registrar of the College or such other person as the Council appoints shall be the Returning Officer for the purpose of conducting elections of members of the Council. 35

(2) The Returning Officer shall prepare a separate roll for each class of electors.

(3) The said rolls shall be prepared and completed and the said elections shall be held and conducted at such times and in such manner and in accordance with such rules and by-laws as may from time to time be made and prescribed by the Council in that behalf. 40

(4) In the event of an equality of votes, the election shall be determined by lot by the Returning Officer in the presence of the President or some other member of the Council appointed in that behalf by the Council.

5 (5) In the event of any dispute arising as to the validity of any election the Council shall have full power to determine the matter as it thinks fit and may if it thinks fit order another election to be held.

10 12. A member of the Council who is in the employment of the College shall not be entitled to vote on any question before 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.

Disqualification of employees of Council from voting on certain questions.

15 13. (1) Unless it otherwise resolves, the Council shall meet at least once in each month at such time and place as it determines.

Meetings of Council.
1882 (Local),
No. 3, ss. 14,
15, 17

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

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

25 (4) The Chairman at any meeting shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

30 14. The President or any five members of the Council may at any time call a special meeting of the Council. 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.

Special meetings of Council.
1882 (Local),
No. 3, s. 15

35 15. (1) The Council may from time to time appoint standing or special committees, and may delegate any of the powers and duties of the Council to any such committee.

Council may appoint committees and delegate powers.

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

40 16. The Council shall be the governing body of the College through which the corporation of the College shall act, and shall have the entire management of and superintendence over the affairs, concerns, and property

Council to be the governing body of the College.

of the College; and, subject to the provisions of this 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 College or of any other institution controlled by the Council. 5

Appointment of professors, lecturers, etc. 1882 (Local), No. 3, s. 19
See Reprint of Statutes, Vol. II, p. 1152

17. Subject to the provisions of section three of the New Zealand University Amendment Act 1928 (relating to the establishment of new Chairs), the Council shall have full power to appoint and remove all professors, associate professors, lecturers, teachers, examiners, officers, and servants of the College or of any other institution controlled by the Council. 10

Seal. 1882 (Local), No. 3, s. 20

18. The seal of the College shall be in the custody of the President, and shall not be affixed to any document except pursuant to a resolution of the Council. 15

Council may make by-laws.

19. Subject to the provisions of this Act, the Council may from time to time make by-laws—

- (a) For the purpose of regulating its procedure and the general administration of the affairs of the College: 20
- (b) Prescribing any matters which by this Act are required or permitted to be prescribed or with respect to which by-laws are necessary or convenient for giving effect to this Act.

President and Vice-President 25

President and Vice-President of the College. 1882 (Local), No. 3, s. 12
1923, No. 8, s. 2

20. (1) The Council, from time to time, shall elect one of its members to be President of the College, and may elect another of its members to be Vice-President of the College.

(2) Every person so elected shall hold office for such period as the Council, before holding the election, shall determine, or until he sooner ceases to be a member of the Council. 30

(3) For the purpose of the election of the President, the Registrar of the College shall preside at the meeting, but shall not be entitled to vote. 35

(4) In the event of an equality of votes in any election under this section the election shall be determined by lot by the Registrar in the presence of the Council. 40

(5) The President shall preside at every meeting of the Council at which he is present. If at any meeting of the Council the President for the time being is not present or there is no President, the Vice-President shall
5 preside at the meeting; and if the Vice-President also is not present at the meeting or there is no Vice-President, the Council shall appoint some member present to act as Chairman in respect of that meeting. The Vice-President or person so appointed shall have
10 and may exercise in any such case all the powers and functions of the Chairman for the purposes of the meeting.

(6) Subject as aforesaid, on the occurrence from any cause of a vacancy of the office of President or during
15 the absence from New Zealand or incapacity of the President, the Vice-President shall have and may exercise all the powers and duties of the President.

Principal and Acting Principal

21. (1) The Council may from time to time appoint
20 a member of the Professorial Board or some other person to be Principal of the College. Every person so appointed shall hold office during the pleasure of the Council.

Principal of
the College.
1923, No. 8,
s. 3

(2) The Principal shall have the following functions,
25 powers, and duties:

- (a) He shall be the academic head and chief executive officer of the College and Chairman of the Professorial Board:
- 30 (b) During the intervals between meetings of the Professorial Board (but always subject to the control of the Council and to a right of appeal to the Professorial Board) he may exercise alone the powers of the Board as to regulating the admission of students and maintaining the
35 ordinary discipline of the College, and may suspend any student guilty of any breach of discipline:
- (c) He may suspend the operation of any rule made by, or any resolution of, the Professorial
40 Board, until it has been approved by the Council:
- (d) He shall have such other duties as may from time to time be prescribed by the Council.

Acting
Principal of
the College.

22. (1) On the occurrence from any cause of a vacancy of the office of Principal or during the absence from New Zealand or incapacity of the Principal, the Council may from time to time appoint a member of the Professorial Board or some other person to be Acting Principal of the College while the vacancy, absence, or incapacity continues. Every person so appointed shall hold office during the pleasure of the Council. 5

(2) All functions, powers, and duties vested in or exercisable by the Principal under this or any other Act shall be vested in and exercisable by the Acting Principal at all times while he continues in that office. 10

The Professorial Board

Professorial
Board.
1882 (Local),
No. 3, s. 21
1923, No. 8,
s. 3
1941, No. 26,
s. 3

23. (1) There shall be a Professorial Board of the College. 15

(2) The Professorial Board shall consist of—

(a) The Principal of the College:

(b) All the professors of the College:

(c) Such lecturers as the Council may from time to time appoint to be members of the Professorial Board: 20

(d) Two further full-time lecturers to be elected by members of the teaching staff of the College:

(e) The College Librarian. 25

(3) The Council may from time to time make by-laws defining which members of the teaching staff shall be entitled to vote at any election held in pursuance of paragraph (d) of subsection *two* of this section, and the time and manner of holding such elections and the term for which persons so elected shall hold office. 30

Chairman of
Professorial
Board.
1938, No. 20,
s. 2

24. (1) Whenever there is no Principal or Acting Principal in office, the Professorial Board may from time to time appoint one of its members to be the Chairman of the Professorial Board. 35

(2) Every such appointment shall be for a term of two years, and the person appointed to the office shall be eligible for reappointment thereto from time to time:

Provided that if the holder for the time being of the office is reappointed thereto he shall be reappointed for a term of only one year: 40

Provided also that every such appointment and reappointment shall terminate if the person appointed or reappointed ceases to be a member of the Professorial Board or if a Principal or Acting Principal of the College is appointed.

25. (1) The Professorial Board may from time to time appoint one of its members to be the Deputy Chairman of the Board. Deputy Chairman.

(2) On the occurrence from any cause of a vacancy of the office of Chairman, or during the absence from New Zealand or incapacity of the Chairman, or at any meeting of the Professorial Board while (for any such reason or any other reason) there is no Chairman or the Chairman is not present, the Deputy Chairman shall have and may exercise all the powers and duties of the Chairman.

26. (1) The Chairman shall preside at every meeting of the Professorial Board at which he is present. If at any meeting of the Professorial Board the Chairman for the time being is not present or there is no Chairman, the Deputy Chairman of the Board shall preside at the meeting; and if the Deputy Chairman also is not present at the meeting or there is no Deputy Chairman, the Professorial Board shall appoint some member present to act as Chairman in respect of that meeting. The Deputy Chairman or person so appointed shall have and may exercise in any such case all the powers and functions of the Chairman for the purposes of the meeting. Meetings of Professorial Board.

(2) At any meeting of the Professorial Board the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote. All questions before the Board shall be decided by a majority of the valid votes recorded thereon.

(3) At every meeting of the Professorial Board a quorum shall consist of such number of members as the Board with the consent of the Council from time to time determines.

(4) 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.

Powers of
Professorial
Board.
1882 (Local),
No. 3, ss. 22, 23

27. (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 in any matter affecting the College.

(2) The Professorial Board shall have the power of granting College terms. 5

(3) In addition to the powers hereinbefore conferred on it, the Professorial Board may, subject to the approval of the Council, exercise the following powers:

(a) To arrange courses of study and times of lectures at the College: 10

(b) To make rules for the attendance of students:

(c) To prescribe the subjects of examination for scholarships, exhibitions, prizes, and other College distinctions and awards. 15

(4) The Professorial Board shall, subject to the control of the Council, have power to manage the College library.

(5) The Professorial Board shall have power to deal with all matters relating to the maintenance of discipline among the students of the College, 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 the by-laws made under the authority of this Act: 25

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

Financial Provisions and Property

Application of
income of
College and
vesting of its
property.
1882 (Local),
No. 3, s. 26

28. (1) Subject to the provisions of this Act and to the terms of any trust or endowment, the annual income of the College shall be applied in such manner as the Council thinks fit towards all or any of the following purposes: 30

(a) The maintenance of the College and of every other institution controlled by the Council, and the payment of salaries and expenses connected therewith, and of prizes, exhibitions, scholarships, and other rewards for the students therein: 40

(b) Generally in doing whatever the Council thinks expedient in order that the College may best accomplish the purposes for which it exists.

5 (2) Notwithstanding anything in subsection *one* of this section, the Council may from time to time set apart such portion of its annual income as it thinks fit, and may either add such portion to the capital fund or set it aside as a reserve fund to meet extraordinary expenses and in the meantime to accumulate at interest.

10 (3) All property, rights, and privileges which immediately before the commencement of this Act were vested in or belonged to the Auckland University College Council are hereby vested in the Auckland University College without conveyance, transfer, or assignment but
15 (subject to the provisions of this Act) for the same purposes and upon the same trusts as were applicable to them immediately before the commencement of this Act. The District Land Registrar, on request by the College and on payment of the appropriate fee, shall make such
20 entries in his register and on any outstanding documents of title as may be necessary to give effect to this subsection.

25 29. (1) All money belonging to the College amounting to five pounds and upwards shall, within seven days after they have come into the hands of the proper officer of the College, be paid into the account of the College at such bank as the Council from time to time appoints. Money to be paid into bank.

30 (2) No money shall be withdrawn from the bank except by authority of the Council and by cheque signed by the Registrar or by an officer of the College approved by the Council and countersigned by a member of the Council.

35 30. All money borrowed by the Council on behalf of or for the purposes of the College shall be paid into a separate account in the name of the loan at the said bank, and shall not be drawn out of the account or expended except for the special purposes for which it was borrowed. Loan money to be paid to a separate account.

Investment
of money.

See Reprint
of Statutes,
Vol. VIII,
p. 873

Travelling
allowances and
expenses of
members of
Council.

Unauthorized
expenditure.
1950, No. 91,
s. 3

Fees.
1912, No. 14,
s. 11

Fees payable to
associations
of students.

Grants by
Council to
associations
of students.

Powers of
Council in
respect of
property.
1948, No. 68,
s. 20
1885 (Local),
No. 1

31. Subject to the terms of any trust or endowment, any money belonging to the College and available for investment may be invested in any manner authorized by or under the Trustee Act 1908 or any other Act for the investment of trust funds, or in any other manner which the Governor-General for the time being approves. 5

32. Every member of the Council shall be paid such travelling allowances as may be fixed by the Council with the approval of the Minister of Finance, and shall in addition be entitled to receive a refund of all money reasonably expended by him for railway, steamship, or other passenger fares in respect of his attendance at any meeting of the Council and in transacting the business thereof. 10

33. The Council may in any year expend for purposes not authorized by any law for the time being in force any sum or sums not exceeding in the aggregate five hundred pounds. 15

34. There shall be payable by the students of the College such fees as the Council from time to time prescribes. 20

35. The Council shall have power to impose and collect from time to time from students of the College or from any of them such fees as it shall consider reasonable for the benefit of any association or organization of students of the College and to dispose of those fees accordingly. 25

36. The Council may from time to time make grants from its funds to any association or organization of students of the College. 30

37. (1) Without limiting the powers conferred upon the Council by the Auckland University College Reserves Act 1885 or any other Act, 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 College, namely: 35

- (a) Establish, build, maintain, repair, rebuild, reinstate, conduct, manage, and control hostels for students, professors, lecturers, and teaching staff, and houses for professors, lecturers, teaching staff, and any other of its employees whatsoever, and buildings and rooms for the recreation or social use of students, professors, lecturers, and teaching staff: 40

(b) With the consent of the Minister of Education, contract to purchase or take on lease any land for any of the purposes mentioned in paragraph (a) of this subsection or for any purpose whatsoever in connection with the College:

(c) With the consent of the Minister of Education, sell any right, title, estate, or interest in land vested in the College:

(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 College:

(e) Grant leases of any land, except the site or grounds of the College; 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) Grant leases and licences for the extraction and removal of coal and other minerals from land of which it may grant leases as aforesaid at such rent or royalty and upon such terms and conditions as the Council shall determine.

(2) The Minister of Education is hereby empowered to make advances on such terms as the Minister of Finance may approve to the Council for the purposes of the College out of moneys appropriated by Parliament for the purpose.

38. In addition to the powers conferred by section *thirty-seven* 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 College:

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

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

See Reprint
of Statutes,
Vol. IV,
p. 1031

Power to
borrow by
way of
overdraft
or temporary
loan.

Repeals and Savings

Repeals and
savings.

1948, No. 68

See Reprint
of Statutes,
Vol. VIII,
p. 568

39. (1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) Section twenty of the Education Amendment Act 1948 is hereby amended by omitting from subsection one the words "the Auckland University College". 5

(3) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done. 10 15

Schedule.

Section 39 (1)

SCHEDULE

ENACTMENTS REPEALED

1882 (Local), No. 3—

The Auckland University College Act 1882.

1912, No. 14—

The Auckland University College Amendment Act 1912.

1917, No. 26—

The Reserves and Other Lands Disposal and Public Bodies Empowering Act 1917: Section 123.

1923, No. 8—

The Auckland University College Amendment Act 1923.

1932, No. 11—

The Finance Act 1932: So much of the First Schedule as relates to the Auckland University College Act 1882.

1938, No. 20—

The Statutes Amendment Act 1938: Section 2.

1941, No. 26—

The Statutes Amendment Act 1941: Section 3.

1947, No. 36—

The Auckland University College Amendment Act 1947.

1949, No. 51—

The Statutes Amendment Act 1949: Section 3.

1950, No. 91—

The Statutes Amendment Act 1950: Section 3.