

# NEW ZEALAND UNIVERSITY AMENDMENT BILL

## EXPLANATORY NOTE

THIS Bill amends the New Zealand University Act 1908. Its purposes are to clarify the powers of the Senate in connection with prescribing general courses of study and approving personal courses of study; to provide for delegation of these powers to the Councils of the constituent colleges, and to the Council or Board of Governors of the agricultural colleges; and to provide for the constitution of a Curriculum Committee which (acting under powers delegated to it by the Senate) will supervise and co-ordinate the exercise of the more important powers delegated to the college authorities.

*Clauses 1 and 2* relate to the Short Title and interpretation of the Bill. The term "general course of study" is defined as including the structure of any course for a degree or diploma, the subjects of study in the course, the prescriptions for each subject, any prerequisites to the course or to the subjects of study in the course, and types of examination. The term "personal course of study" is defined as meaning the subjects which an individual student selects for a degree or diploma in accordance with a general course of study.

*Clause 3* clarifies the power of the Senate to prescribe general courses of study by statutes or regulations, and to approve personal courses of study in any manner which it thinks fit. Regulations do not require the consent of the Governor-General in Council.

*Clause 4* constitutes a Curriculum Committee for the University of New Zealand. This is to consist of the Vice-Chancellor of the University, the academic head of each of the constituent colleges, the Director of Education, one professor from each constituent college to be appointed on the recommendation of the Academic Board, and two persons with experience in University administration appointed by the Senate. In the exercise of the powers of the Curriculum Committee in connection with any agricultural college, the academic head of each of the agricultural colleges is to be deemed to be a member of the Curriculum Committee.

*Clauses 5 and 6* contain usual machinery provisions relating to the term of office of members of the Curriculum Committee, casual vacancies, and meetings of the Curriculum Committee.

*Clause 7* declares that the functions of the Curriculum Committee shall be to exercise the powers in connection with courses of study for degrees and diplomas which are delegated to it by the Senate, and to furnish an annual report to the Senate in connection with the exercise of those powers.

*Clause 8* is the key provision of the Bill. *Subclause (1)* provides that the Senate may from time to time, by regulation and subject to such terms and conditions as the Senate may impose,—

- (a) Delegate to the Council of any constituent college or to the Council or Board of Governors of any agricultural college power to exercise all or any of the powers of the Senate to prescribe general courses of study other than prescriptions for subjects, with a proviso that any power so delegated shall be exercised by course regulations approved by the Senate or by the Curriculum Committee acting under powers delegated to it by the Senate:
- (b) Delegate to any such Council or Board all or any of the powers of the Senate to prescribe the prescriptions for subjects for degrees and diplomas, and to approve personal courses of study, with provision for the latter power to be subdelegated to the Professorial Board of the college:
- (c) Delegate to the Curriculum Committee power to exercise on behalf of the Senate its power under paragraph (a) to approve course regulations which the Council or Board of Governors of any college desires to make:
- (d) Delegate to the Curriculum Committee—
  - (i) Any of the powers of the Senate to approve personal courses of study:
  - (ii) Power to exercise on behalf of the Senate its powers under paragraph (b) above.

*Subclause (2) of clause 8* provides that the Council or Board of Governors of any college must submit its proposals in connection with general courses of study and prescriptions for subjects to the Professorial Board of the college in each case. *Subclauses (3) to (6)* are normal machinery provisions in connection with the proposed delegations. *Subclause (7)* gives the Senate power to revoke any general course of study prescribed under delegated powers or any approval of a personal course of study given under delegated powers.

*Clause 9* provides for reference of matters to the Senate where three members of the Curriculum Committee so require, or where the Council or Board of Governors is dissatisfied with the refusal or failure of the Curriculum Committee to approve any personal course of study.

*Clauses 10 and 11* specify the extent to which the Academic Board and the Council of Legal Education are to be consulted and may intervene under the new proposals.

*Clause 12* provides that course regulations in respect of any course of study involving the establishment of a new chair are not to be published in the Calendar of any college until the Senate and the Minister have consented to the establishment of the chair under section 3 of the New Zealand University Amendment Act 1928.

*Hon. Mr Algie*

## NEW ZEALAND UNIVERSITY AMENDMENT

### ANALYSIS

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### A BILL INTITULED

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

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

1. This Act may be cited as the New Zealand University Amendment Act 1954, and shall be read together with and deemed part of the New Zealand University Act 1908 (hereinafter referred to as the principal Act). Short Title.  
See Reprint of Statutes, Vol. II, p. 1121

Interpretation. 2. (1) In this Act and in the principal Act, unless  
the context otherwise requires,—

1952, No. 11 “Agricultural college” means the Massey Agri-  
cultural College constituted under the Massey Agri- 5  
cultural College Act 1952, or the Canter-  
bury Agricultural College constituted under  
1930, No. 31 the Canterbury Agricultural College Act  
1930:

“Course of study” means a general course of study 10  
or a personal course of study:

“Course regulations” means any regulations con-  
cerning any course of study for a degree or  
diploma:

“Curriculum Committee” means the Curriculum  
Committee constituted under section *four* of 15  
this Act:

“General course of study” includes the structure  
of any course for a degree or diploma, the  
subjects of study in the course, the prescriptions  
for each subject, any prerequisites to the course 20  
or to the subjects of study in the course, and  
types of examination:

“Personal course of study” means the subjects  
which an individual student selects for a degree 25  
or diploma in accordance with the general  
course of study for the time being prescribed  
for all students for the degree or diploma at  
the college at which the student is enrolled:

“Prescription”, in relation to any subject, means  
the content of the subject, any set works or 30  
periods to be studied, and the extent and  
nature of any practical work required for the  
subject; but does not include any prerequisites  
for the subject or any requirements as to what  
other subjects (if any) shall be taken 35  
therewith.

(2) Where authority to make regulations is given by  
or under this Act or the principal Act to the Senate  
or to any Council or Board of Governors, the regulations  
may be made by resolution duly passed at any meeting 40  
thereof, and nothing in section nine of the New Zealand  
University Amendment Act 1926 shall require the  
approval of the Governor-General in Council to any  
such regulations. A copy of any such regulations under

See Reprint  
of Statutes,  
Vol. II, p. 1137

the seal of the University or college, as the case may be, shall be sufficient evidence of the authenticity of the same in all Courts of Justice.

5 3. The Senate shall have, and shall be deemed always to have had, power—

Power of Senate to prescribe courses of study.

(a) To prescribe general courses of study by statutes or regulations:

(b) To approve personal courses of study in any manner which it thinks fit.

10 4. (1) There shall be a Curriculum Committee for the University.

Constitution of Curriculum Committee.

(2) The Curriculum Committee shall consist of—

(a) The Vice-Chancellor of the University:

15 (b) The academic head of each of the constituent colleges:

(c) The Director of Education:

(d) One professor from each constituent college to be appointed by the Senate in accordance with subsection *five* of this section:

20 (e) Two persons appointed by the Senate, each of the persons so appointed being a person who has had experience in University administration but who is not a member of the staff of any constituent college or agricultural college.

25 (3) In the exercise in connection with any agricultural college of any powers which may be delegated by the Senate to the Curriculum Committee, the academic head of each agricultural college shall be deemed to be a member of the Curriculum Committee.

30 (4) In the absence from any meeting of the Curriculum Committee of the Director of Education, the Assistant Director of Education may attend the meeting, and while so attending shall be deemed to be a member of the Curriculum Committee.

35 (5) The professor from each constituent college to be appointed by the Senate under paragraph (d) of subsection *two* of this section shall be so appointed on the recommendation of the Academic Board:

40 Provided that any such appointment may be made without any such recommendation if the Academic Board has been given a reasonable opportunity to make the recommendation and has failed to do so.

(6) The powers of the Curriculum Committee shall not be affected by any vacancy in the membership thereof.

Term of office of appointed members of Curriculum Committee, and casual vacancies.

5. (1) Except in the case of members of the Curriculum Committee appointed to fill casual vacancies, every member appointed to the Curriculum Committee shall be appointed for a term of three years. 5

(2) Unless he vacates his office in accordance with subsection *four* of this section, every member of the Curriculum Committee shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired. 10

(3) Every retiring member of the Curriculum Committee shall be eligible for reappointment.

See Reprint of Statutes, Vol. II, p. 1140

(4) All the provisions of section five of the New Zealand University Amendment Act 1926, which relates to casual vacancies in the Senate, shall apply to the Curriculum Committee and its members as if the Curriculum Committee was the Senate and members of the Curriculum Committee were members of the Senate. 15 20

Meetings of Curriculum Committee.

6. (1) The Vice-Chancellor of the University shall be the chairman of the Curriculum Committee.

(2) The Curriculum Committee may from time to time appoint one of its members to be deputy chairman of the Curriculum Committee. 25

(3) At any meeting of the Curriculum Committee seven members shall form a quorum.

(4) The chairman shall preside at every meeting of the Curriculum Committee at which he is present. If at any meeting of the Curriculum Committee the chairman for the time being is not present or there is no chairman, the deputy chairman of the Curriculum Committee shall preside at the meeting; and if the deputy chairman also is not present at the meeting or there is no deputy chairman, the Curriculum Committee 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. 30 35 40

(5) At any meeting of the Curriculum Committee the chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

7. The functions and duties of the Curriculum Committee shall be—

Functions and duties of Curriculum Committee.

(a) To exercise the powers in connection with courses of study for degrees and diplomas which are delegated to it by the Senate under section eight of this Act:

(b) To furnish an annual report to the Senate in connection with the exercise of those powers.

8. (1) The Senate may from time to time, by regulation and subject to the provisions of this Act and to such terms and conditions as the Senate may impose,—

Delegation of powers of Senate in respect of courses of study.

(a) Delegate to the Council of any constituent college or to the Council or Board of Governors of any agricultural college power to exercise all or any of the powers of the Senate to prescribe general courses of study (other than prescriptions for subjects) for the degrees and diplomas which the Senate has power to confer, and to make consequential revocations of statutes and regulations of the University so far as they are superseded by courses of study so prescribed:

Provided that any power delegated under this paragraph to any such Council or Board shall be exercised by it by course regulations approved by resolution of the Senate (or by resolution of the Curriculum Committee in accordance with powers delegated to it by the Senate under paragraph (c) of this subsection) and published in the Calendar of the college, and shall not be exercised in any other manner:

(b) Delegate to any such Council or Board of Governors—

(i) All or any of the powers of the Senate to approve personal courses of study, and to prescribe the prescriptions for subjects for degrees and diplomas, and to make consequential revocations of statutes and regulations of the University so far as they are superseded by prescriptions so prescribed:

Provided that any power to prescribe the prescriptions for subjects for degrees and diplomas, and to make consequential revocations of statutes and regulations of the

University, delegated under this paragraph to any such Council or Board of Governors shall be exercised by it by course regulations published in the Calendar of the college, and shall not be exercised in any other manner: 5

(ii) Power to delegate to the Professorial Board of the college, subject to such terms and conditions as the Council or Board of Governors may impose, all or any of the powers which may be delegated to the Council or Board of Governors to approve personal courses of study: 10

(c) Delegate to the Curriculum Committee power to exercise on behalf of the Senate (in all cases or in any specified case or cases) the power of the Senate under paragraph (a) of this subsection to approve course regulations relating to general courses of study which any Council or Board of Governors desires to make in accordance with powers delegated to it under that paragraph: 20

(d) Delegate to the Curriculum Committee—

(i) All or any of the powers of the Senate to approve personal courses of study; and

(ii) Power to exercise on behalf of the Senate (in all cases or in any specified case or cases) all or any of the powers of delegation conferred on the Senate under paragraph (b) of this subsection. 25

(2) The Council of any constituent college or the Council or Board of Governors of any agricultural college shall not submit to the Senate or the Curriculum Committee any general course of study, and shall not prescribe the prescription for any subject for any degree or diploma, unless the Council or Board of Governors has first received and considered any recommendation that the Professorial Board of the college may make in that behalf, unless that Board, having had a reasonable opportunity to make such a recommendation, has failed to do so. 30 35

(3) The Curriculum Committee, and any Council or Board, may exercise any such powers delegated to it as aforesaid with the same effect as if the powers had been conferred on it directly by this section and not by delegation. 40



(4) Where the Curriculum Committee, or any Council or Board, purports to act pursuant to any delegation under this section, it shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

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

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

(7) The Senate may at any time by resolution—

(a) Revoke any general course of study or the prescription for any subject for any degree or diploma prescribed in accordance with powers delegated by the Senate under this section:

(b) Revoke any approval given in respect of any personal course of study which has been approved in accordance with powers delegated by the Senate under this section.

9. (1) Where any question arises before the Curriculum Committee as to whether any course of study should be approved by the Committee, any three members of the Committee may require the question to be referred to the Senate for determination.

References to Senate in connection with exercise of delegated powers.

(2) Where the Curriculum Committee has refused or failed within a reasonable time to approve any course of study submitted to it by the Council of any constituent college or by the Council or Board of Governors of any agricultural college, that Council or Board may submit the course of study to the Senate for its approval.

10. (1) The Senate shall not make any decision in relation to any course of study referred to it for approval, or in relation to any question referred to it by the Curriculum Committee under subsection *one* of section *nine* of this Act, until it has first received and considered any recommendation that the Academic Board may make in that behalf, unless that Board, having had reasonable opportunity to make such a recommendation, has failed to do so.

Cases where courses of study are to be referred to Academic Board.

(2) Where any course of study is prescribed by course regulations which are made by the Council of any constituent college or by the Council or Board of Governors of any agricultural college and which are

approved by the Curriculum Committee and published in the Calendar of the college, or where any personal course of study is approved by the Curriculum Committee or by any such Council or Board of Governors or Professorial Board it shall not be necessary at any stage before or after the course is so prescribed or approved, for the Curriculum Committee or the Council or Board to refer it to the Academic Board or to receive any recommendation of the Academic Board in connection therewith. 5 10

Cases where courses of study are to be referred to Council of Legal Education.  
See Reprint of Statutes, Vol. II, p. 1157

11. (1) Neither the Senate nor the Curriculum Committee shall make any decision in relation to any course of study which relates to legal education and requires the approval of one of them until it has first referred the course to the Council of Legal Education constituted by section two of the New Zealand University Amendment Act 1930 and has received and considered any recommendations that the Council of Legal Education may make in that behalf: 15

Provided that it shall not be necessary for the Senate or the Curriculum Committee to receive and consider any recommendations of the Council of Legal Education if that Council, having had reasonable opportunity to make such recommendations, has failed to do so. 20

(2) The Council of Legal Education shall have power to make recommendations to the Senate or the Curriculum Committee of its own motion or upon any reference by the Senate or the Curriculum Committee to that Council of any course of study. 25

Courses of study involving establishment of a new chair.  
See Reprint of Statutes, Vol. II, p. 1152

12. Where any course of study in any constituent college or agricultural college involves the establishment of a new chair, and where (under section three of the New Zealand University Amendment Act 1928) the establishment of that chair requires the prior consent of the Senate and the Minister of Education, course regulations in respect of the course of study shall not be published in the Calendar of the college until those consents have been given. 30 35