

# UNIVERSITY OF ALBANY AMENDMENT BILL

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## EXPLANATORY NOTE

THIS Bill amends the University of Albany Act 1972.

*Clause 1* relates to the Short Title, and to the commencement of the Bill, which, with the exception of *subclause (2)* of *clause 8*, is deemed to have come into force on 13 October 1972, being the date of the passing of the principal Act. *Subclause (2)* of *clause 8* is deemed to have come into force on 1 January 1973, which but for this Act would be the date of commencement of section 53 (2) of the principal Act.

*Clause 2* amends section 1 of the principal Act. The effect is that instead of section 28 (4) of the principal Act (dealing with the appointment of the Vice-Chancellor) coming into force on 13 October 1972, and the rest of the principal Act coming into force on 1 January 1973, the principal Act will come into force on a date to be fixed by the Governor-General by Order in Council.

*Clauses 3 to 8* make only consequential amendments. These arise out of the deferred commencement of the principal Act. The First Schedule relates to amendments that are to come into force on the deferred commencement of the principal Act. The Second Schedule contains amendments that are deemed to have come into force on 1 January 1973.

The amendments contained in the Second Schedule relate to the Universities of Otago, Canterbury, Auckland, Victoria, Massey, Waikato, and Lincoln College, and enable money in any bank account of those universities to be withdrawn by means of an instrument other than a cheque. A corresponding amendment is made to section 15 (2) of the Universities Act 1961 to enable the University Grants Committee to withdraw money from the bank account of the Committee by means of an instrument other than a cheque.

A further amendment contained in the Second Schedule also relates to the above universities. This amendment enables the Minister of Education to determine the maximum amount that any employee of the university may earn by that employment and still be eligible for office as a member of the Council. Before 1 January 1973 (being the date of commencement generally of the principal Act) the amount was fixed at \$1,500.

Neither the First nor Second Schedule contains any matter that was not included in the Schedule to the principal Act.

*Hon. Mr Amos*

## UNIVERSITY OF ALBANY AMENDMENT

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### ANALYSIS

|                                  |                               |
|----------------------------------|-------------------------------|
| Title                            | 5. Election of Pro-Chancellor |
| 1. Short Title and commencement  | 6. Vice-Chancellor            |
| 2. Commencement of principal Act | 7. Constitution of Senate     |
| 3. Transitional provisions       | 8. New Schedule substituted   |
| 4. Election of Chancellor        | Schedules                     |

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### A BILL INTITULED

#### **An Act to amend the University of Albany Act 1972**

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

**1. Short Title and commencement**—(1) This Act may be cited as the University of Albany Amendment Act 1973, and shall be read together with and deemed part of the University of Albany Act 1972\* (hereinafter referred to as  
**10** the principal Act).

(2) Subject to subsection (3) of this section, this Act shall be deemed to have come into force on the 13th day of October 1972, being the date of the passing of the principal Act.

**15** (3) Subsection (2) of section 8 of this Act shall be deemed to have come into force on the 1st day of January 1973, being the date on which subsection (2) of section 53 of the principal Act would, but for this Act, have come into force.

\*1972, No. 30

**2. Commencement of principal Act**—Section 1 of the principal Act is hereby amended by repealing subsections (2) and (3), and substituting the following subsection:

“(2) This Act shall come into force on a date to be fixed by the Governor-General by Order in Council.”

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**3. Transitional provisions**—The principal Act is hereby further amended by repealing section 7, and substituting the following section:

“(7. (1) Of the 4 members to be first appointed to the Council by the Governor-General, 2 shall be appointed for a term expiring with such date as shall be prescribed by Order in Council, and 2 shall be appointed for a term expiring with such later date as shall be prescribed by Order in Council.

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“(2) Of the 4 members to be first appointed to the Council by the Senate, 2 shall be appointed as soon as practicable after the commencement of this Act for a term expiring with such date as shall be prescribed by Order in Council, and the others may each be appointed at such time after the said commencement as the Senate thinks fit for such term, not exceeding 3 years, as shall be specified in each case by the Senate at the time of making the appointment.

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“(3) Of the 2 members to be first elected to the Council by the lecturers of the University, 1 shall be elected for a term of 1 year and the other shall be elected for a term of 2 years. The election shall be held as soon as practicable in the year in which the first students of the University are enrolled; and the term of office of each of the members elected shall be deemed to have commenced on the 1st day of January of that year.

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“(4) The first member to be elected to the Council under paragraph (d) of subsection (2) of section 6 of this Act shall be so elected for a term of office expiring with such date as shall be prescribed by Order in Council, at an election to be held as soon as practicable after the commencement of this Act.

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“(5) The first member to be appointed to the Council by the North Shore Local Bodies Association shall be so appointed for a term expiring with such date as shall be prescribed by Order in Council, and shall be so appointed as soon as practicable after the commencement of this Act.

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“(6) The first member to be appointed to the Council by the Waitemata County Council shall be so appointed for a term expiring with such date as shall be prescribed by Order in Council, and shall be so appointed as soon as practicable after the commencement of this Act.

“(7) The first member to be appointed to the Council under paragraph (g) of subclause (2) of section 6 of this Act shall be so appointed for a term expiring with such date as shall be prescribed by Order in Council, and shall be so appointed as soon as practicable after the commencement of this Act.

“(8) The first 3 members to be elected to the Council by the Court of Convocation shall be so elected at an election to be held on such date as shall be prescribed by Order in Council, or as soon as practicable thereafter. Every member so elected shall hold office for a term expiring with such date as shall be prescribed by Order in Council.

“(9) Of the first 2 members to be appointed to the Council by the Executive of the Students' Association, 1 shall be appointed for a term of 2 years, and the other shall be appointed for a term of 3 years. The appointments shall be made at the first meeting of the Executive or as soon as practicable thereafter, and the term of office of each of the members appointed shall be deemed to have commenced on the 1st day of January of the year in which the appointments are made.

“(10) The first member to be appointed to the Council by the Council of the University of Auckland under paragraph (k) of subclause (2) of section 6 of this Act shall be appointed for a term expiring with such date as shall be prescribed by Order in Council, and shall be so appointed as soon as practicable after the commencement of this Act.”

**4. Election of Chancellor**—Section 25 of the principal Act is hereby amended by omitting from subsection (1) the words “the year 1973”, and substituting the words “such year as shall be prescribed by Order in Council”.

**5. Election of Pro-Chancellor**—Section 26 of the principal Act is hereby amended by omitting from subsection (1) the words “the year 1973”, and substituting the words “such year as shall be prescribed by Order in Council”.

**6. Vice-Chancellor**—Section 28 of the principal Act is hereby amended by omitting from subsection (4) the word “passing”, and substituting the word “commencement”.

**7. Constitution of Senate**—(1) Section 30 of the principal Act is hereby amended by omitting from subsection (3), in both places where they occur, the words “the 31st day of December 1977”, and substituting in each case the words “such date as shall be prescribed by Order in Council”.

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(2) The said section 30 is hereby further amended by omitting from subsection (4) the words “the 31st day of December 1978”, and substituting the words “such date as shall be prescribed by Order in Council”.

**8. New Schedule substituted**—(1) The principal Act is hereby further amended by repealing the Schedule to it, and substituting the Schedule set out in the First Schedule to this Act.

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(2) The enactments specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

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## SCHEDULES

### Section 8 (1)

### FIRST SCHEDULE

#### NEW SCHEDULE TO PRINCIPAL ACT

#### “SCHEDULE

#### “ENACTMENTS AMENDED

| Enactment  | Amendment   |
|--|---|
| “1956, No. 63—The Local Authorities Loans Act 1956 | Paragraph (d) of section 18 of the Local Authorities Loans Act 1956 (as that paragraph was substituted by section 59 (1) of the Universities Act 1961 and amended by section 56 of the University of Waikato Act 1963) is hereby further amended by adding the following subparagraph:<br>‘(viii) The Council of the University of Albany under section 50 of the University of Albany Act 1972.’ |
| “1961, No. 50—The University of Auckland Act 1961  | By adding to subsection (2) of section 6 the following paragraph:<br>‘(i) One member to be appointed by the Council of the University of Albany. The first member shall be appointed as soon as practicable after such date as shall be prescribed by Order in Council for a term which shall be deemed to have commenced on the date so prescribed.’   |

FIRST SCHEDULE—*continued*  
 NEW SCHEDULE TO PRINCIPAL ACT—*continued*

“SCHEDULE—*continued*”

“ENACTMENTS AMENDED—*continued*”

| Enactment   | Amendment   |
|---|---|
| “1961, No. 50—The University of Auckland Act 1961— <i>continued</i> ” | By adding, as subsection (3), to the said section 6 the following subsection:<br>‘(3) Notwithstanding anything in subsection (2) of this section, the membership of the Council shall also include for a single term expiring with such date as shall be prescribed by Order in Council, 1 additional member who shall be appointed by the Council of the University of Albany as soon as practicable after the commencement of the University of Albany Act 1972.’ |
| “1961, No. 54—The Universities Act 1961”                              | By omitting from the definition of the term “University” in section 2 (as amended by section 57 (3) of the Massey University Act 1963 and section 2 (8) of the Massey University Amendment Act 1966) the words ‘and the University of Waikato;’, and substituting the words ‘the University of Waikato, and the University of Albany’.  |
| “1962, No. 113—The Public Bodies Meetings Act 1962”                   | Part II of the Schedule is hereby amended by inserting in its appropriate alphabetical order the following item:<br>‘The Council of   1972, No. 30. The<br>the Univer-   University of<br>sity of Albany   Albany Act 1972.’  |
| “1968, No. 147—The Local Authorities (Members’ Interests) Act 1968”   | By inserting in subsection (6) of section 6 (as amended by section 6 of the Local Authorities (Members’ Interests) Amendment Act 1971), after paragraph (g), the following paragraph:<br>‘(gg) The Council of the University of Albany:’<br>By inserting in Part II of the First Schedule in its appropriate alphabetical order, the following item:<br>‘The Council of   1972, No. 30. The<br>the Univer-   University of<br>sity of Albany   Albany Act 1972.’”   |

Sections 1 (3) and 8 (2) SECOND SCHEDULE

## ENACTMENTS AMENDED

| Enactment   | Amendment  |
|---|--|
| 1961, No. 48—The University of Otago Amendment Act 1961     | <p>By omitting from the second proviso to subsection (1) of section 8 (as amended by section 3 of the University of Otago Amendment Act 1969) the expression "\$1,500", and substituting the words "such amount as the Minister of Education from time to time determines".</p> <p>By inserting in subsection (2) of section 27, after the words "and by cheque", the words ", or other instrument,".</p>  |
| 1961, No. 49—The University of Canterbury Act 1961          | <p>By omitting from the second proviso to subsection (1) of section 9 (as amended by section 2 of the University of Canterbury Amendment Act 1966 and section 7 of the Decimal Currency Act 1964) the expression "\$1,500", and substituting the words "such amount as the Minister of Education from time to time determines".</p> <p>By inserting in subsection (2) of section 41, after the words "and by cheque", the words ", or other instrument,".</p>          |
| 1961, No. 50—The University of Auckland Act 1961            | <p>By omitting from the second proviso to subsection (1) of section 9 (as amended by section 3 of the University of Auckland Amendment Act 1966 and section 7 of the Decimal Currency Act 1964) the expression "\$1,500", and substituting the words "such amount as the Minister of Education from time to time determines".</p> <p>By inserting in subsection (2) of section 40, after the words "and by cheque", the words ", or other instrument,".</p>            |
| 1961, No. 51—The Victoria University of Wellington Act 1961 | <p>By omitting from the second proviso to subsection (1) of section 9 (as amended by section 2 of the Victoria University of Wellington Amendment Act 1966 and section 7 of the Decimal Currency Act 1964) the expression "\$1,500", and substituting the words "such amount as the Minister of Education from time to time determines".</p> <p>By inserting in subsection (2) of section 41, after the words "and by cheque", the words ", or other instrument,".</p> |

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

| Enactment                                      | Amendment   |
|--|---|
| 1961, No. 52—The Lincoln College Act 1961      | By omitting from the second proviso to subsection (1) of section 9 (as amended by section 2 of the Lincoln College Amendment Act 1966 and section 7 of the Decimal Currency Act 1964) the expression “\$1,500”, and substituting the words “such amount as the Minister of Education from time to time determines”.<br>By inserting in subsection (2) of section 39, after the words “and by cheque”, the words “, or other instrument,”. |
| 1961, No. 54—The Universities Act 1961         | By inserting in subsection (2) of section 15, after the words “and by cheque”, the words “, or other instrument,”.  |
| 1963, No. 7—The Massey University Act 1963     | By omitting from the second proviso to subsection (1) of section 9 (as amended by section 3 of the Massey University Amendment Act 1966 and section 7 of the Decimal Currency Act 1964) the expression “\$1,500”, and substituting the words “such amount as the Minister of Education from time to time determines”.<br>By inserting in section 40, after the words “and by cheque”, the words “, or other instrument,”.                 |
| 1963, No. 8—The University of Waikato Act 1963 | By omitting from the second proviso to subsection (1) of section 9 (as amended by section 3 of the University of Waikato Amendment Act 1966 and section 7 of the Decimal Currency Act 1964) the expression “\$1,500”, and substituting the words “such amount as the Minister of Education from time to time determines”.<br>By inserting in section 40, after the words “and by cheque”, the words “, or other instrument,”.             |