

New Zealand.



NEW ZEALAND UNIVERSITY.

1908, No. 132.

AN ACT to consolidate certain Enactments of the General Assembly relating to the New Zealand University.

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

1. (1.) The Short Title of this Act is "The New Zealand University Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(a.) The Senate and the General and District Courts of Convocation, the respective offices of Chancellor and Vice-Chancellor, the University districts, all statutes and regulations of the University, all Orders in Council, Proclamations, regulations, registers, instruments, appointments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. Savings.

(b.) All members of the Senate or of the respective Courts of Convocation, and generally all persons holding office under any such enactment on the coming into operation of this Act shall continue in office under the terms of their existing election or appointment. 1874, No. 53, sec. 3

(c.) All persons holding degrees in or being members of the University on the coming into operation of this Act shall thereupon be deemed to hold like degrees, or be members with the like grade or status, in the University under this Act.

1874, No. 53, sec.
3, 4

(d.) The common seal of the University in use when this Act comes into operation shall remain the seal of the University under this Act.

(e.) All matters and proceedings commenced under the said enactments, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

Incorporation of
University.
Ibid, sec. 4

2. The body corporate established by "The New Zealand University Act, 1870," under the name of "The University of New Zealand" shall (with all alterations subsequently made by Act in the constitution of the said body corporate) remain and be the University of New Zealand as a body politic and corporate by that name, having perpetual succession and a common seal, and may by the same name sue and be sued in all Courts of New Zealand and be capable in law to take, purchase, and hold all goods, chattels, and personal property, and to receive, take, purchase, and hold for ever, not only such lands and possessions as are from time to time exclusively used and occupied by the said University for its immediate requirements, but also any other lands and possessions in or out of New Zealand, and to grant, demise, alienate, or otherwise dispose of all or any of its property, and also to do all other matters and things incidental or appertaining to a body politic :

Provided that it shall not be lawful for the University, unless with the approval of the Governor in Council, to alienate, mortgage, charge, or demise any lands except by way of lease for any term not exceeding twenty-one years for rural land and sixty years for building land from the time when such lease is made, and in and by such lease there shall be the highest rent reserved that can be reasonably obtained for the lands thereby demised without fine.

Objects for which
University
established.
Ibid, sec. 4

3. It is hereby expressly declared and enacted that the University is established not for the purpose of teaching but for the purpose of encouraging in the manner hereafter provided the pursuit of a liberal education and ascertaining by means of examination the persons who have acquired proficiency in literature, science, or art by the pursuit of a liberal course of education and of rewarding them by academical degrees and certificates of proficiency as evidence of their respective attainments and marks of honour proportioned thereunto.

Constitution of
University.
Ibid, sec. 5
1902, No. 16, sec. 2
Fellows.
Ibid, sec. 14

4. (1.) The University of New Zealand shall consist of a Chancellor, a Vice-Chancellor, members of the Senate, and graduates.

(2.) All members of the Senate shall be deemed to be Fellows of the University.

(3.) The graduates shall be the persons on whom a degree has been conferred by the University.

Two Courts in
University.
1874, No. 53, sec. 6

5. There shall be two Courts in the University—the Senate and the General Court of Convocation, having respectively the powers hereinafter specified.

General Court of
Convocation.
1902, No. 16, sec. 4

6. (1.) The General Court of Convocation of the University shall consist of all those persons who are members of the four District Courts of Convocation as hereinafter defined.

(2.) For the purposes of this Act New Zealand shall be divided into four University districts, as described in the Second Schedule hereto ; but the Governor may by Order in Council at any time adjust the boundaries of such districts.

(3.) There shall be four District Courts of Convocation, one for each of the aforesaid University districts.

(4.) Each District Court of Convocation shall consist of the persons whose names are enrolled on a register to be kept by the Registrar of the affiliated institution in such district.

(5.) Every person shall be entitled to have his name enrolled (without fee) on the register of a District Court of Convocation who—

(a.) Is a graduate of the University (including those whose names are now on the list of *ad eundem* graduates, and also such *ad eundem* graduates as are hereafter admitted by any District Court of Convocation); and

(b.) Is on the books of the affiliated institution in the University district, or has resided in the district for not less than three months immediately preceding his enrolment:

Provided that any person having the requisite qualification may have his name transferred from one register to another, but shall not be entitled to have his name enrolled on more than one register at the same time.

(6.) The Senate of the University may from time to time make regulations for the keeping of the registers of the District Courts of Convocation and for the holding of elections of members of the Senate by the District Courts of Convocation; and, subject to this Act and such regulations, each District Court of Convocation shall have power to make such rules for the conduct of its business as it deems fit.

(7.) Any District Court of Convocation may make representations to the Senate on any matter concerning the interests of the University.

7. The Senate shall consist of twenty-four members, appointed as follows:—

Constitution of Senate.

1902, No. 16, sec. 5

A group of four members shall be appointed by the Governor in Council.

Eight members shall be appointed by the governing bodies of the four affiliated institutions—to wit, a group of two by the University of Otago, a group of two by the Canterbury College, a group of two by the Auckland University College, and a group of two by the Victoria College.

One member shall be appointed by each of the Professorial Boards or Councils of the four affiliated institutions—namely, the University of Otago, Canterbury College, Auckland University College, and Victoria College.

Eight members shall be elected by the District Courts of Convocation—to wit, a group of two by each such Court.

8. With respect to the appointment of members of the Senate the following provisions shall apply:—

Mode of appointment
Ibid, sec. 6

(a.) The members appointed by the governing bodies and Professorial Boards or Councils of the affiliated institutions shall be appointed by a resolution of the governing body or of the Professorial Board or Council of each such institution, as the case may be.

(b.) The election of members by the District Courts of Convocation shall be by sealed voting-papers, which may be delivered either personally or by post, or otherwise; and the Registrar of the affiliated institution in each University district shall be the Returning Officer to conduct elections of such members.

Chancellor and
Vice-Chancellor.
1902, No. 16, sec. 7

9. (1.) The Senate shall elect out of its members a Chancellor and Vice-Chancellor, who while members of the Senate shall hold office for such period not exceeding three years as the Senate fixes, but shall be eligible for re-election.

1874, No. 53, sec. 7

(2.) Whenever a vacancy occurs in the office of Chancellor or Vice-Chancellor, either by death, resignation, or expiration of tenure, or otherwise, the Senate shall elect out of its own body a Chancellor or Vice-Chancellor, as the case may be.

Duration of office.
1902, No. 16, sec. 8

10. (1.) Out of each of the groups of the members appointed by the Governor in Council, the governing bodies of the affiliated institutions, and the District Courts of Convocation respectively, one-half of the members shall retire from office on the thirtieth day of June, one thousand nine hundred and nine, and thereafter on the same day in each third year.

(2.) Out of the four members appointed by the Professorial Boards or Councils of the affiliated institutions two shall retire from office on the thirtieth day of June, one thousand nine hundred and nine, and thereafter on the same day in each third year.

(3.) The members to retire shall be those who have served longest on the Senate without reappointment.

(4.) Retiring members shall be eligible for reappointment.

Ibid, sec. 9

(5.) Subject to the foregoing provisions of this section, the ordinary term of office of all members of the Senate shall be six years.

Vacancies.
Ibid, sec. 10

11. (1.) If any member of the Senate—

(a.) Dies, or by letter to the Senate resigns his seat ; or

(b.) Becomes bankrupt or of unsound mind ; or

(c.) Fails to attend at two consecutive annual meetings,—

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

(2.) Every casual vacancy shall be filled up in the same manner and by the same appointing authority as in the case of the vacating member, but the member so appointed shall hold office only for the residue of the term of the vacating member.

When vacancies to
be filled up.
Ibid, sec. 11

12. (1.) The appointment of a member to fill up a vacancy caused by the expiry of the ordinary term of office shall be made in the first week of the month of May next preceding such expiry, or as soon thereafter as may be convenient, but shall not take effect until such expiry.

(2.) The appointment of a member to fill up a casual vacancy shall be made not sooner than thirty days nor later than sixty days after the vacancy occurs.

(3.) If any vacancy is not filled up within sixty days after the vacancy occurs, the Governor in Council shall forthwith fill up such vacancy.

Casual vacancy to
be reported.
Ibid, sec. 12

13. (1.) Whenever a casual vacancy occurs it shall be the duty of the Senate forthwith to report the fact to the Minister of Education, if the vacancy is to be filled by the Governor in Council, or to the appointing body in every other case.

Appointments to
Senate to be
reported.
Ibid, sec. 13

(2.) Where an appointment of a member of the Senate has been made by an appointing body it shall be the duty of such body forthwith to report the appointment to the Minister of Education and to the Senate.

14. (1.) A register of the persons constituting for the time being the General Court of Convocation of the said University shall be kept by such officer and in such manner as the Senate from time to time appoints.

Register of persons constituting Convocation to be kept.

1874, No. 53, sec. 9
1902, No. 16, sec. 15 (2)

(2.) The register shall be conclusive evidence that any person whose name appears thereon at the time of his claiming to vote at any meeting of the General Court of Convocation is so entitled to vote.

15. (1.) The Senate shall have the entire management of and superintendence over the affairs, concerns, and property of the University; and in all cases unprovided for in this Act it shall be lawful for the Senate to act in such manner as appears best calculated to promote the purposes intended by the University.

Senate to have control of affairs of University.

1874, No. 53, sec. 10

(2.) The Senate shall have full power from time to time to make and alter statutes and regulations touching the examination for degrees and the granting of the same, and the mode and time of convening the meetings of the Senate and the meetings of the General Court of Convocation, and in general touching all other matters regarding the University not otherwise especially provided for by this Act.

Power to make and alter statutes, &c.

(3.) All such statutes and regulations, when approved and sanctioned by the Governor in Council, shall be reduced into writing, and, the common seal of the University having been affixed thereto, shall be binding upon all members thereof and all candidates for degrees to be conferred by the same:

Provided that it shall not be lawful for the Senate to impose on any person any compulsory religious examination or test.

(4.) The production of a copy of any such statutes and regulations under the said seal shall be sufficient evidence of the authenticity of the same in all Courts of justice.

16. (1.) All questions before the Senate shall be decided by the majority of the members present or voting by proxy as hereinafter provided; and the chairman at any such meeting shall have a vote, and in case of equality of votes a second or casting vote.

Proceedings of Senate.
Ibid, sec. 11

(2.) No question shall be decided at any meeting unless five members are present at the time of such decision.

(3.) At every meeting of the Senate the Chancellor, or in his absence the Vice-Chancellor, shall preside as chairman; or, in the absence of both, a chairman shall be chosen by a majority of the members present.

17. The Senate shall have full power from time to time to appoint and remove all Examiners, officers, and servants of the University:

Senate may appoint and remove Examiners, &c.
Ibid, sec. 12

Provided that such power may be delegated to the Chancellor or Vice-Chancellor by resolution of the Senate subject to or without restriction, and such delegation may in like manner be revoked.

18. The seal of the University shall be intrusted to the Chancellor, and shall not be affixed to any document except by order of the Senate.

Chancellor to be custodian of seal.
Ibid, sec. 13

19. The Senate shall meet at least once in every year, at such time and place as is determined by the Senate at its last meeting, such place of meeting to vary from year to year.

Meetings of Senate.
Ibid, sec. 14

20. The General Court of Convocation shall have the powers following, and none other, that is to say:—

Powers vested in Convocation.
Ibid, sec. 15

(a.) The power of discussing any matter relating to the University, and of declaring the opinion of such Court in any such matter:

(b.) The power of accepting any charter for the University, or consenting to the surrender of such charter :

Provided that the consent of the Senate shall be also requisite for the acceptance or surrender of any such charter :

(c.) The power of deciding on the mode of conducting and registering the proceedings of such Court :

(d.) The power of appointing and removing a Clerk of the General Court of Convocation and of prescribing his duties.

Senate to convene
meeting of
Convocation.
1874, No. 53, sec. 16

21. The Senate shall convene a meeting of the General Court of Convocation at any time when the Senate thinks fit, or when twenty or more members of that Court by writing under their hands require that such meeting shall be called.

Senate to determine
where Convocation
to meet.
Ibid, sec. 17

22. (1.) The Senate shall determine where the General Court of Convocation is to meet, and shall provide a proper place for such meeting.

(2.) The General Court of Convocation shall not be convened twice consecutively in the same town.

(3.) The proceedings of any meeting of such Court shall be transmitted to the Senate if then sitting, and, if not, to the Senate at its next meeting.

Chairman of
Convocation.
Ibid, sec. 19

23. (1.) The General Court of Convocation shall from time to time at a meeting of that Court elect a standing Chairman of that Court, who shall be chosen by a majority of the members present at the meeting or voting by proxy as hereinafter provided.

(2.) The Chairman shall hold office for three years, and shall be eligible for re-election.

(3.) If the Chairman is absent at any meeting or the office is vacant, the majority of members present shall elect a chairman, who shall hold office during such meeting only.

Proceedings of
Convocation.

(4.) On the office of Chairman becoming vacant by effluxion of time, death, resignation, or otherwise the General Court of Convocation shall proceed to elect a Chairman as hereinbefore provided.

(5.) All questions at any meeting of that Court shall be decided by the majority of members present or voting by proxy, as hereinafter provided; and the Chairman at any meeting shall have a vote, and in case of equality of votes a second or casting vote.

(6.) No question shall be decided at any meeting of that Court unless one-fourth of the members at least are present :

Provided that twenty members shall in any case constitute a quorum.

(7.) Any meeting of that Court shall have power to adjourn to a future day.

Voting by proxy.
Ibid sec. 20

24. In the event of any member of the Senate or of the General Court of Convocation being unable to attend at any meeting of the Senate or Convocation respectively, such member may exercise his right of voting either by letter addressed to the Chancellor or Vice-Chancellor, or, as the case may be, to the Chairman of that Court, or by a proxy duly named by him in that behalf in such manner as is fixed by any regulation to be made hereunder.

Examinations of
candidates for
degrees.
Ibid, sec. 21

25. Once at least in every year the Senate shall cause to be held an examination of candidates for degrees, and at every such examination

the candidates shall be examined by Examiners appointed for the purpose by the Senate in as many branches of general knowledge as the Senate considers the most fitting subjects of such examination :

Provided that no Examiner shall be eligible for re-election more than four years consecutively.

26. The Senate may from time to time make, alter, or amend statutes and regulations for the affiliation to the University of any college or educational establishment in New Zealand in cases where the governing body of such college or establishment consents :

Affiliation of
institutions.
1874, No. 53, sec. 22

Provided that no such statutes or regulations shall affect the religious observances or regulations enforced in such colleges and educational establishments.

27. (1.) The Senate shall have power to confer the following degrees, that is to say:—

Power to confer
certain degrees.
Ibid, sec. 24
1883, No. 2, sec. 2
1902, No. 16, sec. 15
1904, No. 38, sec. 2

- Bachelor and Master of Arts.
- Doctor of Literature.
- Bachelor, Master, and Doctor of Laws.
- Bachelor and Doctor of Medicine.
- Master of Surgery.
- Bachelor, Master, and Doctor of Science.
- Bachelor and Doctor of Music.
- Bachelor, Master, and Doctor of—
 - (a.) Veterinary Science.
 - (b.) Dental Surgery.
 - (c.) Engineering—
 - (i.) Mechanical.
 - (ii.) Electrical.
 - (iii.) Civil.
 - (iv.) Mining.
 - (v.) Metallurgical.
 - (vi.) Naval Architecture.
 - (d.) Agriculture.
 - (e.) Public Health.
 - (f.) Commerce.

(2.) The said degrees may be conferred either after examination or as *ad eundem* degrees.

(3.) Such reasonable fees shall be charged for the degrees so conferred as the Senate from time to time directs.

28. (1.) The Senate shall have power after examination to grant certificates of proficiency in such branches of knowledge as it from time to time by statute or regulation made in that behalf determines.

Power to grant
certificates of
proficiency.
1874, No. 53, sec. 25

(2.) In addition to the examination of candidates for degrees, the Senate may cause from time to time to be held examinations of persons who have prosecuted the study of such branches of knowledge and are candidates for such certificates of proficiency as aforesaid, and on every such examination the candidates shall be examined by Examiners appointed by the Senate.

(3.) Every such candidate who is declared by the Examiners to be entitled to receive such certificate shall receive from the Chancellor, or in his absence the Vice-Chancellor, a certificate under the seal of the University; and such reasonable fees shall be charged for the same as the Senate from time to time directs.

General Fee Fund.
1874, No. 53, sec. 26

29. All fees shall be carried to one general Fee Fund for the payment of the expenses of the University, and shall be accounted for as part of the revenue thereof.

Appropriation out
of Consolidated
Fund.
Ibid, sec. 27

30. The Minister of Finance shall every financial year pay out of the Consolidated Fund, without further appropriation than this Act, the sum of three thousand pounds as a fund for maintaining the University and towards defraying the several stipends which may be appointed to be paid to the several Examiners, officers, and servants to be appointed by the University, and towards paying the expenses of such scholarships, prizes, and exhibitions as are awarded for the encouragement of matriculated members of the University, and towards discharging all necessary charges connected with the management of the University:

Provided that no grants to any affiliated institution shall be made out of the said sum of three thousand pounds.

Annual report of
Senate.
Ibid, sec. 28

31. The Senate shall, during the month of April in every year, report the proceedings of the University during the previous year to the Governor, and such report shall contain a full account of the income and expenditure of the University, audited in such a manner as the Governor directs; and a copy of every such report, and of all the statutes and regulations of the University, shall be laid in each year before Parliament.

Governor to be
ex officio Visitor.
Ibid, sec. 29

32. The Governor shall be the Visitor of the University, and shall have authority to do all things which appertain to Visitors in such manner as is from time to time directed by the Governor with the approval of the Senate.

Endowments.

Reserves vested in
the Crown until
application
determined.
1868, No. 65, sec. 7
1892, No. 37, sec. 248

33. All lands heretofore reserved under "The University Endowment Act, 1868," for the endowment of a University as therein mentioned, and not heretofore otherwise disposed of or applied to any purposes by Act, shall remain vested in the Crown until the application of the same is determined by an Act, and it shall not be lawful for the Governor to change the specific purpose for which such lands or any of them have been reserved as aforesaid; and no such lands shall be alienated except as herein mentioned nor for any term exceeding thirty years.

Reserves to be
administered by the
Governor in Council.
1868, No. 65, sec. 8
1892, No. 37, sec. 248

34. (1.) The management and administration of all such lands shall be conducted by the Governor in Council.

(2.) The Governor may from time to time grant leases of any such lands for any term not exceeding thirty years at such rent and subject to such terms and conditions as he thinks fit.

Regulations for
disposal of proceeds.
1874, No. 53, sec. 30

35. The Governor in Council may from time to time make regulations for placing to a separate account the proceeds from all such lands; and such proceeds, and the proceeds from the investment thereof, after payment of the expenses of the management of such lands, shall be dealt with for promoting higher education in the respective provincial districts in which such lands are situate, in such manner as Parliament from time to time determines.

Limitation of
preceding sections.
1905, No. 38, sec. 5

36. Nothing in the three last preceding sections shall apply to the reserve mentioned in section eighty-one of "The Education Act, 1908."

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS CONSOLIDATED.

- 1868, No. 65.—“The University Endowment Act, 1868.”
1874, No. 53.—“The New Zealand University Act, 1874.”
1875, No. 60.—“The New Zealand University Reserves Act, 1875.”
1880, No. 32.—“The New Zealand University Reserves Act, 1880.”
1883, No. 2.—“The New Zealand University Act 1874 Amendment Act, 1883.”
1902, No. 16.—“The New Zealand University Act Amendment Act, 1902.”
1904, No. 38.—“The University Degrees Act, 1904.”

SECOND SCHEDULE.

UNIVERSITY DISTRICTS.

Section 6.
1902, No. 16,
Schedule.

THE Auckland University District, comprising the Provincial District of Auckland.

The Victoria University District, comprising the Provincial Districts of Wellington, Nelson, Westland, Marlborough, Hawke's Bay, and Taranaki.

The Canterbury University District, comprising the Provincial District of Canterbury.

The Otago University District, comprising the Provincial District of Otago.