



Massey University Council

Delegation Statute


2014

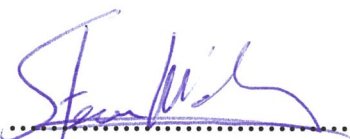
Delegation Statute pursuant to section 194 of the Education Act 1989

Pursuant to section 194(1) of the Education Act 1989 the Council hereby resolves to adopt the attached Delegation Statute.

Signatures

 Date ... 3/10/14
(Chancellor, Massey University Council)

 Date ... 3/10/14
(Pro Chancellor, Massey University Council)

 Date ... 30/9/14
(Vice-Chancellor, Massey University)

MASSEY UNIVERSITY DELEGATION STATUTE 2014

- 1.1 By resolution of Council and pursuant to Section 194(1)(a) of the Education Act 1989 (“Act”), the Council adopts this Statute as the Delegation Statute 2014.
- 1.2 Immediately upon this Delegation Statute coming into force, the Delegation Statute 2012 is repealed.

2. Title and Commencement

- 2.1 This Statute shall be known as the Massey University Delegation Statute 2014.
- 2.2 This Statute comes into force on the date that Council resolves to adopt it and two Council members have signed it.

3. Objectives

- 3.1 The objectives of this Statute are to:
 - (a) State which of Council’s functions, and powers may be delegated pursuant to Section 222 of the Act.
 - (b) Identify the procedure for delegations.
 - (c) Generally record new delegations.

4. Savings

- 4.1 Except as stated in section 1.2, nothing in this Statute repeals any delegations already given by Council, or by its Committees, or by the Vice-Chancellor (including Vice-Chancellor delegates). Delegations existing at the date of adoption of this Statute until revoked continue in force according to their tenor.
- 4.2 As each of the Education Act, the State Sector Act, the Crown Entities Act and the Health and Safety in Employment Act are amended then the Schedules to this Statute are deemed to be amended to the extent required so that this Statute is consistent with the enacted amendment.

5. Procedure for Delegations by Council

- 5.1 Except as stated in Section 5.2, at any time after there has been a resolution passed, Council may, by writing signed by two members of Council, delegate to the Vice-Chancellor or to a Committee appointed by Council any of Council’s functions or powers.
- 5.2 Council shall not delegate its power to appoint a Vice-Chancellor or Acting Vice-Chancellor.

- 5.3 Each delegation must record whether or not the Vice-Chancellor or the Committee may further delegate the function or power so delegated by Council.
- 5.4 If further delegation is permitted that further delegation by the Vice-Chancellor or by the Committee must be in writing signed by the Vice-Chancellor or two members of the Committee and may only be to the staff of Massey University.
- 5.5 If any special directions or conditions are imposed by Council then those special directions or conditions must be recorded in writing on the delegation.
- 5.6 Any delegation made to a Committee shall be deemed to be a delegation to the persons from time to time constituting the Committee. For the avoidance of doubt, any Committee constituted by the Academic Board is deemed to be a Committee constituted by Council pursuant to Section 193(3) of the Act. For the avoidance of doubt, the Council consents to delegation by the Academic Board and by its Committees to staff of Massey University.
- 5.7 Any delegation to staff may be made to specified person(s) or holder of specified office(s).
- 5.8 Even after a function or power is delegated the Council is responsible for acts of the person(s) acting under delegation.
- 5.9 Even after Council has delegated any Council function or power Council may still perform the function or exercise the powers.
- 5.10 Any delegation by Council may be revoked in writing signed by two members of Council after a resolution by Council at any time. Any further delegations by a Committee may be revoked in writing signed by two Committee members after resolution by the Committee. Any further delegations by the Vice-Chancellor may be revoked in writing signed by the Vice-Chancellor.

6. Council Delegations

- 6.1 The Council may delegate those Council functions and powers under the Education Act set out as Schedule A.
- 6.2 Without derogating from Section 6.3 the Council delegates and/or hereby continues to delegate those functions and powers as set out in Schedule B.
- 6.3 For the avoidance of doubt, in respect of the Education Act all of Council's functions and the exercise of its powers have previously and continue to be delegated to the Vice-Chancellor excepting the appointment of the Vice-Chancellor, performance reviews of the Vice-Chancellor, terms and conditions of employment of the Vice-Chancellor.
- 6.4 The Council has those functions and powers under the State Sector Act as set out in Part A in Schedule C.

- 6.5 Council has those functions and powers under the Crown Entities Act as set out in Schedule D.
- 6.6 In respect of the Vice-Chancellor only, Council has those functions and powers of the Employer under the Health and Safety in Employment Act as set out in Schedule E, Part A.
- 6.7 To the extent that Council or staff members are in control of premises then the Council and staff members have those functions and powers set out in Schedule E, Part B.
- 6.8 Each Massey University staff member has the responsibility which cannot be delegated as set out in Schedule F.

7. **Interpretation**

In this Statute the following definitions apply:-

“Academic Board” means the Academic Board of Massey University established pursuant to Section 193(3) of the Act and includes its delegates.

“Act” means the Education Act 1989 and includes any Amendment Acts or Acts passed in substitution for the Education Act 1989.

“Chair” means a position with that title as established by the Vice-Chancellor.

“Vice-Chancellor” means the Vice-Chancellor of Massey University and includes their duly authorised delegates.

“Council” means the Council of Massey University.

“Colleges” or **“Departments”** or **“Centres”** or **“Schools”** or **“Campuses”** are operational units as directed in writing from time by the Vice-Chancellor.

“Statute” means Delegation Statute.

“Student” means a student formally enrolled in any course(s) at Massey University.

“Massey University” means the Institution, which is a University, constituted under the Massey University Act 1963, and the Education Act 1989 as Massey University.

Schedule A
Education Act

Permitted Delegations

- (1) Massey University submissions to Tertiary Education Commission on the proposed Tertiary Education Commission decisions pertaining to plan (Section 159YA).
- (2) Supply information to the Tertiary Education Commission and the Ministry as required (Section 159YC).
- (3) Make submissions to the Tertiary Education Commission when the Tertiary Education Commission proposes to suspend or revoke funding (Section 159YG).
- (4) Require review of the Tertiary Education Commission powers to suspend or revoke funding (Section 159YJ).
- (5) Ask the Tertiary Education Commission to approve significant amendment of plan (Section 159YK).
- (6) Collaborate with the Tertiary Education Commission and make submissions on significant amendments to plan proposed by the Tertiary Education Commission (Section 159YM).
- (7) Provide summary of plan (Section 159YO).
- (8) Supply information to the Tertiary Education Commission and the Ministry under Section 159ZD.
- (9) Make submissions on the Tertiary Education Commission decision to suspend or revoke funding given under Section 159ZC (Section 159ZF).
- (10) Require review of the Tertiary Education Commission to suspend or revoke funding (Section 159ZH).
- (11) Authorise any Council member or any Massey University staff member to execute documents, or documents of a specified class or description, or specified documents, on behalf of Massey University (Section 167(1)).
- (12) Affix the Common seal (Section 167 (3-7))
- (13) Recommend to the Minister that the Massey University Constitution be amended (Section 170(1)).

- (14) Fix in accordance with the fees framework (as determined by the Government) fees to be paid to Council members, other than the Vice-Chancellor (Section 179(1)).
- (15) Prepare and submit a proposed plan in accordance with requirements of Section 159P each three years or more frequently if directed by the Tertiary Education Commission (Section 180(1)(b), Section 159T and Section 159V).
- (16) Ensure that Massey University is managed in accordance with the plan and determine policies to implement that plan (Section 180(1)(c)).
- (17) Determine (subject to the State Sector Act) the policies of Massey University in relation to the management of its affairs (Section 180(1)(d)).
- (18) Undertake planning relating to Massey University's long-term strategic direction (Section 180(1)(e)).
- (19) Establish an Academic Board consisting of the Vice-Chancellor and members of the staff and students of the University (Section 182(2)).
- (20) Undertake functions of a kind that in the opinion of the Council: (i) may conveniently be undertaken in association with characteristic functions without disadvantage to characteristic functions and (ii) are appropriate for universities (Section 192(2)(b)(i) and (ii))
- (21) Grant nationally recognised awards (Section 192(8)(a)).
- (22) Provide courses, admit students and grant awards (Section 193(2)(a)).
- (23) Grant fellowships, bursaries, scholarships or prizes (Section 193(2)(b)).
- (24) Authorise the making of grants or loans to the Vice-Chancellor, Massey University staff or students, or to any association of staff or students (Section 193(2)(c)).
- (25) Guarantee loans made by other persons to the Vice-Chancellor or members of the staff for housing purposes (Section 193(2)(c)).
- (26) Accept gifts, devises and bequests made to Massey University (Section 193(2)(d)).
- (27) Agree to disestablishment of Massey University or the incorporation of another institution into Massey University (Section 193(2)(e)).
- (28) Agree to the incorporation in Massey University of another institution (Section 193(2)(ea)).

- (29) Arrange for manufacture of and distribute (whether by way of sale or otherwise) any article or thing bearing a mark, symbol or writing that is associated with Massey University (Section 193(2)(f)).
- (30) Arrange for the provision of goods and services to Massey University staff or students or other persons using, or otherwise attending Massey University (Section 193(2)(g)).
- (31) Prescribe fees payable by students at Massey University or any of them (Section 193(2)(h)).
- (32) Establish boards or other bodies within Massey University to give advice to the Council (Section 193(2)(i)).
- (33) Appoint committees consisting of such persons as the Council determines to exercise such powers as are delegated to them and such powers as are conferred on them by statutes made by the Council, and to alter, discharge and reconstitute committees so appointed (Section 193(3)).
- (34) Make Statutes (Section 194(1)).
- (35) Review the imposition and quantum of any penalties imposed by statute upon students or staff (Section 194(2)).
- (36) Consult with the Secretary when the Secretary sets criteria for assessing the level of risk to the operation and long-term viability of institutions (Section 195A(1)(a)).
- (37) Supply information or reports to the Tertiary Education Commission (Section 195B).
- (38) Consult and comment to the Minister on any proposed appointment of a Crown observer (Section 195C).
- (39) Consult with the Minister over the possible need to dissolve Council and appoint a Commissioner and respond to preliminary decision of Minister to dissolve Council (Section 195D(4)(a) and (c)).
- (40) Establish, maintain and operate bank accounts as permitted under Section 158 of the Crown Entities Act 2004. Pay any money received by the Council into any Massey University bank accounts (Section 200(2)).
- (41) Authorise withdrawals from bank accounts (Section 200(3)).
- (42) Keep proper accounts as per Section 168(1) and (2) of the Crown Entities 2004 (Section 201).

- (43) Apply Massey University income and capital doing whatever Council believes will accomplish outcomes in the Massey University plan and to enable Massey University to carry on the functions characteristic of universities (subject to law and subject to trust deeds) (Section 201A).
- (44) Accept or disclaim gifts in accordance with Section 167 of the Crown Entities Act 2004 (Section 201B(1)).
- (45) Invest money as per Section 65I(1) and (2) of the Public Finance Act 1989 (Section 203(4)).
- (46) Provide annual report to the Minister in compliance with requirements of Section 220 and Sections 154 to 157 of the Crown Entities Act 2004 (Section 220).
- (47) Sign a statement of responsibility prepared in accordance with Section 155 of the Crown Entities Act 2004 (Section 220(2AA)(a)).
- (48) Ensure that copies of Massey University's Annual Report are available for inspection without charge by any person (Section 221).
- (49) Determine programmes of study and training at Massey University subject to NZVCC (Universities New Zealand (UNZ)) requirements and subject to Ministerial direction (Section 223).
- (50) Determine minimum entry criteria for students under 20 years old or where student numbers are capped (Section 224(2)(b) and Section 224(6)).
- (51) Consent to enrolment of a person that is not a domestic or exempt student (Section 224(2)(a)(ii)).
- (52) Determine the minimum age for enrolment at Massey University (Section 224(2)(c)(i)).
- (53) Determine the minimum age for enrolment in the programme or training scheme (Section 224(2)(c)(ii)).
- (54) Consent to enrolment of a person who has not attained the minimum age for entry to Massey University or the person does not have the minimum entry requirements for applicants under 20 (Section 224(3)(b)).
- (55) Determine maximum number of persons that may be enrolled at Massey University in a particular Massey University programme or training scheme in a particular year (Section 224(5)).
- (56) Give preference to certain students where applicants exceed number of places available (Section 224(6)).

- (57) Not permit the enrolment of an international student for all or part of a programme or training scheme unless the programme or training scheme approved and Massey University is accredited or the programme or training scheme is exempt (Section 224(7) and (8)).
- (58) Establish vacancies for international students subject to fees paid by those foreign students (Section 224(11)).
- (59) Refuse to permit or cancel enrolment at Massey University or in a particular programme or training scheme on basis person not of good character, guilty of misconduct, person enrolled full-time at another institution or at school, person made insufficient progress after a reasonable trial (Section 224(12)).
- (60) Fix, or specify a means by which there may be calculated or ascertained, a tuition fee for any course of study or training but must not fix any fee that exceeds any maximum fee specified in a condition imposed under Section 159ZD(2) of the Education Act (Section 227(1A)).
- (61) Fix a fee for the provision of student services provided by Massey University or on its behalf but not exceeding the maximum set by the Minister's direction and only in categories determined by the Minister (Section 227(1B) and (1C)).
- (62) Before procedures for enrolling a student are complete, Council must take all reasonable steps to ensure each student gives written notice of the circumstances in which students may get a refund (Section 227(4)).
- (63) Grant any student a refund outside Massey University policy (Section 227(5)).
- (64) Take all reasonable steps to ensure that no person is enrolled at Massey University until it has been established whether the person is a domestic or international student. (Section 228(1))
- (65) Fix fees for international students (Section 228(2)(a), (b) and (c)).
- (66) Agree subsidises for international students (Section 228(2A)).
- (67) Provide details on international students to the Secretary (Section 228(7)).
- (68) Establish refund policy for international students and inform them (Section 228)
- (69) Collect student association membership fees if asked by the student association (Section 229CA(4)).
- (70) Charge Massey University student associations for actual and reasonable costs incurred in the collection of student association fees (Section 229CA(8)).
- (71) Hear and determine complaints in respect of undue influence allegations in breach of Section 229B by prospective students and students (Section 229C).

Schedule B

Power	Who Has Power	Standing Delegation	Further Delegable
(1) Massey University submissions to Tertiary Education Commission on the proposed Tertiary Education Commission decisions pertaining to The University's plan. (Section 159YA)	Council	Vice-Chancellor	Staff
(2) Supply information to the Tertiary Education Commission and the Ministry as required. (Section 159YC)	Council	Vice-Chancellor	Staff
(3) Make submissions to the Tertiary Education Commission when the Tertiary Education Commission proposes to suspend or revoke funding. (Section 159YG)	Council	Vice-Chancellor	Staff
(4) Require review of the Tertiary Education Commission powers to suspend or revoke funding. (Section 159YJ)	Council	Vice-Chancellor	No
(5) Ask the Tertiary Education Commission to approve significant amendment of plan. (Section 159YK)	Council	Vice-Chancellor	Staff
(6) Collaborate with the Tertiary Education Commission and make submissions on significant amendments to plan proposed by the Tertiary Education Commission. (Section 159YM)	Council	Vice-Chancellor	Staff
(7) Provide summary of plan. (Section 159YO)	Council	Vice-Chancellor	Staff
(8) Supply information to the Tertiary Education Commission and the Ministry under Section 159ZD. (Section 159ZD)	Council	Vice-Chancellor	Staff

Power	Who Has Power	Standing Delegation	Further Delegable
(9) Make submissions on the Tertiary Education Commission decision to suspend or revoke funding given under Section 159ZC. (Section 159ZF)	Council	Vice-Chancellor	Staff
(10) Require review of the Tertiary Education Commission to suspend or revoke funding. (Section 159ZH)	Council	Vice-Chancellor	No
(11) Authorise any Council or staff member to execute documents on behalf of Massey University. (Section 167(1))	Council	Vice-Chancellor	Staff
(12) Affixing of the Common seal (Section 167(3-7))	Council	Any two: Chancellor Vice-Chancellor AVC & University Registrar (Committee)	No
(13) Recommend to the Minister that Massey University Constitution be amended. (Section 170(1))	Council	No	
(14) Fix, in accordance with the fees framework, fees to be paid to Council members, other than the Vice-Chancellor. (Section 179(1))	Council	No	
(15) Prepare and submit a proposed plan in accordance with requirements of Section 159P each three years or more frequently if directed by the Tertiary Education Commission. (Section 180(1)(b), Section 159T and Section 159V)	Council	Vice-Chancellor	Staff
(16) Ensure that Massey University is managed in accordance with the plan and determine policies to implement the plan. (Section 180(1)(c))	Council	Vice-Chancellor	Staff

Power	Who Has Power	Standing Delegation	Further Delegable
(17) Determine policies in relation to the management of Massey University's affairs subject to the State Sector Act 1988. (Section 180(1)(d))	Council	Vice-Chancellor, Academic Board, Audit and Risk Committee	Staff Staff Staff
(18) Undertake planning relating to Massey University's long-term strategic direction. (Section 180(1)(e))	Council	Vice-Chancellor	Staff
(19) Establish an Academic Board consisting of the Vice-Chancellor and members of the staff and students of the University. (Section 182(2))	Council	No	
(20) Undertake functions of a kind that in the opinion of the Council: (i) may conveniently be undertaken in association with characteristic functions without disadvantage to characteristic functions and (ii) are appropriate for universities. (Section 192(2)(b)(i) and (ii))	Council	Vice-Chancellor	Staff
(21) Grant nationally recognised awards. (Section 192(8)(a))	Council	Vice-Chancellor and Chancellor (Committee)	No
(22) Provide courses of study (1), admit students (2) and grant awards (3)- (i) degrees (ii) diplomas (iii) certificates (Section 193(2)(a))	Council	(1) Vice-Chancellor (2) Vice-Chancellor, on appeal Academic Board (3)(i) Vice-Chancellor (3)(ii) Vice-Chancellor (3)(iii) Vice-Chancellor	(1) Staff (2) Staff (3)(i) No (3)(ii) Staff (3)(iii) Staff
(23) Grant fellowships, scholarships, bursaries or prizes. (Section 193(2)(b))	Council	Vice-Chancellor Academic Board Scholarships Committee	Staff Staff Staff

Power	Who Has Power	Standing Delegation	Further Delegable
(24) Authorise the making of grants or loans to: - Vice-Chancellor - Staff and staff associations - Students (grants) - student associations (loans). (Section 193(2)(c))	Council Council Council Council	No Vice-Chancellor Vice-Chancellor Vice-Chancellor	Staff Staff Staff
(25) Guarantee loans made to the Vice-Chancellor or members of Massey University staff for housing purposes - Vice-Chancellor - Staff. (Section 193(2)(c))	Council Council	No Vice-Chancellor	No
(26) Accept gifts, devises, and bequests made to Massey University, whether on trust or otherwise. (Section 193(2)(d))	Council	Vice-Chancellor	Staff
(27) Agree to disestablishment of Massey University and its incorporation in another institution. (Section 193(2)(e))	Council	No	
(28) Agree to the incorporation in Massey University of another institution. (Section 193(2)(ea))	Council	No	
(29) Arrange for manufacture of, and distribute (whether by way of sale or otherwise), any article or thing bearing a mark, symbol or writing that is associated with Massey University. (Section 193(2)(f))	Council	Vice-Chancellor	Staff
(30) Arrange for the provision of goods and services to Massey University staff or students or other persons using, or otherwise attending Massey University. (Section 193(2)(g))	Council	Vice-Chancellor	Staff
(31) Prescribe fees payable by students at Massey University or any of them. (Section 193(2)(h))	Council	Chancellor and Vice-Chancellor jointly (Committee)	No

Power	Who Has Power	Standing Delegation	Further Delegable
(32) Establish boards or other bodies within Massey University to give advice to Council. (Section 193(2)(i))	Council	Vice-Chancellor Academic Board	Staff Staff
(33) Appoint committees consisting of such persons as the Council determines, and to alter, discharge and reconstitute committees so appointed. (Section 193(3))	Council	Vice-Chancellor Committees: Audit and Risk Honorary Awards Governance	Staff Staff Staff Staff
(34) Make statutes. (Section 194(1))	Council	Vice-Chancellor Academic Board Academic Committee	Staff Staff Staff
(35) Review the imposition and quantum of any penalties imposed by statute upon students or staff. (Section 194(2))	Council	Vice-Chancellor	Staff
(36) Consult with the Secretary when the Secretary sets criteria for assessing the level of risk to the operation and long-term viability of institutions. (Section 195A(1)(a))	Council	Vice-Chancellor Audit and Risk Committee	Staff No
(37) Supply information or reports to the Tertiary Education Commission. (Section 195B)	Council	Vice-Chancellor	Staff
(38) Consult and comment to the Minister on any proposed appointment of a Crown observer. (Section 195C)	Council	Vice-Chancellor	No
(39) Consult with the Minister over possible need to dissolve Council and appoint a Commissioner and respond to preliminary decision of Minister to dissolve Council. (Section 195D(4)(a) and (c)).	Council	Vice-Chancellor	No
(40) Establish, maintain and operate bank accounts as permitted under Section 158 of the Crown Entities Act 2004 in Massey University's name at any registered bank. (Section 200(2))	Council	Vice-Chancellor	Staff

Power	Who Has Power	Standing Delegation	Further Delegable
(41) Authorise withdrawals and payments of money from any of Massey University's bank accounts. (Section 200(3))	Council	Vice-Chancellor	Staff
(42) Keep proper accounts as per Section 168(1) and (2) of the Crown Entities Act 2004. (Section 201)	Council	Vice-Chancellor	Staff
(43) Apply Massey University's income and capital doing whatever Council believes will accomplish outcomes in the Massey University plan and to enable Massey University to carry on the functions characteristic of polytechnics (subject to law and subject to trust deeds). (Section 201A)	Council	Vice-Chancellor	Staff
(44) Accept or disclaim gifts in accordance with Section 167 of the Crown Entities Act 2004. (Section 201B(1))	Council	Vice-Chancellor	No
(45) Invest money as per Section 65I(1) and (2) of the Public Finance Act 1989. (Section 203(4))	Council	Vice-Chancellor	Staff
(46) Provide annual report to the Minister in compliance with requirements of Section 220 and Sections 154 to 157 of the Crown Entities Act 2004. (Section 220)	Council	Vice-Chancellor	Staff
(47) Sign a statement of responsibility prepared in accordance with Section 155 of the Crown Entities Act 2004. (Section 220(2AA)(a))	Council	Vice-Chancellor	No
(48) Ensure that copies of Massey University's Annual Report are available for inspection without charge by any person. (Section 221)	Council	Vice-Chancellor	Staff

Power	Who Has Power	Standing Delegation	Further Delegable
(49) Determine programmes of study and training at Massey University subject to NZVCC (Universities New Zealand (UNZ)) requirements and subject to Ministerial direction. (Section 223)	Council	Vice-Chancellor	Staff
(50) Determine entry criteria for students under 20 years old or where student numbers are capped. (Section 224(2)(b) and Section 224(6))	Council	Vice-Chancellor Academic Board	Staff Staff
(51) Consent to enrolment of a person that is not a domestic or exempt student. (Section 224(2)(a)(ii))	Council	Vice-Chancellor	Staff
(52) Determine the minimum age for enrolment at Massey University. (Section 224(2)(c)(i))	Council	Academic Board	No
(53) Determine the minimum age for enrolment in the programme or training scheme. (Section 224(2)(c)(ii))	Council	Vice-Chancellor	Staff
(54) Consent to enrolment of a person who has not attained the minimum age for entry to Massey University or the person does not have the minimum entry requirements for applicants under 20. (Section 224(3)(b))	Council	Vice-Chancellor	Staff
(55) Determine the maximum number of persons that may be enrolled in a particular Massey University programme or training scheme in a particular year. (Section 224(5))	Council	Vice-Chancellor	Staff
(56) Give preference to students, or a class of students to participate in a course where the number of persons who apply for enrolment in that course, exceeds the maximum number of students who may undertake that course. (Section 224(6))	Council	Vice-Chancellor	Staff

Power	Who Has Power	Standing Delegation	Further Delegable
(57) Not permit the enrolment of an international student for all or part of a programme or training scheme unless the programme or training scheme approved and Massey University is accredited or the programme or training scheme is exempt. (Section 224(7) and (8))	Council	Vice-Chancellor	Staff
(58) Establish vacancies for international students subject to fees paid by those international students. (Section 224(11))	Council	Vice-Chancellor	Staff
(59) Refuse to permit or cancel the enrolment of a person as a student at Massey University or in a particular programme or scheme. (Section 224(12))	Council	Vice-Chancellor Academic Board	Staff Staff
(60) Fix a tuition fee for any course of study or training for domestic students but not fix, in relation to domestic students, any fee that exceeds the maximum. (Section 227(1A))	Council	Chancellor and Vice-Chancellor jointly (Committee)	No
(61) Fix a fee for the provision of student services provided by Massey University or on its behalf but not exceeding the maximum set by the Minister's direction and only in categories determined by the Minister. (Section 227(1B) and (1C))	Council	Vice-Chancellor	Staff
(62) Before procedures for enrolling a student are complete, Council must take all reasonable steps to ensure each student is given written notice of the circumstances in which students may get a refund. (Section 227(4))	Council	Vice-Chancellor	Staff
(63) Refund a student all or any part of any fees. (Section 227(5))	Council	Vice-Chancellor	Staff

Power	Who Has Power	Standing Delegation	Further Delegable
(64) Take all reasonable steps to ensure that no person is enrolled at Massey University until it has been established whether the person is a domestic or international student. (Section 228(1))	Council	Vice-Chancellor	Staff
(65) Fix fees for international students. (Section 228(2)(a), (b) and (c))	Council	Chancellor and Vice-Chancellor jointly (Committee)	No
(66) Agree subsidises for international students. (Section 228(2A))	Council	Vice-Chancellor	Staff
(67) Provide details on international students to the Secretary. (Section 228(7))	Council	Vice-Chancellor	Staff
(68) Establish refund policy for international students and inform them. (Section 228)	Council	Vice-Chancellor	Staff
(69) If asked by Massey University student associations, collect the student association membership fees. (Section 229CA(4))	Council	Vice-Chancellor	Staff
(70) Charge Massey University student associations for actual and reasonable costs incurred in the collection of student association fees. (Section 229CA(8))	Council	Vice-Chancellor	Staff
(71) Hear and determine complaints in respect of undue influence allegations in breach of Section 229B by prospective students and students. (Section 229C)	Council	Vice-Chancellor	Staff

Schedule C

State Sector Act 1988

PART A

- (i) Notify a vacancy or impending vacancy for the position of Vice-Chancellor (Section 77IB(2)).
- (ii) Examine applicants for the position of Vice-Chancellor (Section 77IB(3)(a)).
- (iii) Seek advice from such sources relevant to the appointment of a Vice-Chancellor as the Council considers relevant (Section 77IB(3)(b)).
- (iv) Invite such persons as the Council thinks fit to assist it to decide on the person to be appointed Vice-Chancellor and to take part in examination of Vice-Chancellor (Section 77IB(4)).
- (v) Obtain the written concurrence of the [State Services Commissioner]] to the conditions of employment of the Vice-Chancellor (Section 77ID(3)).
- (vi) Remove the Vice-Chancellor from Office for just cause or excuse (Section 77IE).
- (vii) Determine the conditions of employment that are to apply to any person directed to exercise and perform any of the functions, powers and duties of a Vice-Chancellor (Section 77IF(3)).

Schedule D

Crown Entities Act 2004 (CEA)

Council must:

- (i) Cause accounting records to be kept that-
 - (a) Correctly record and explain the transactions of Massey University; and
 - (b) Will at any time enable the financial position of Massey University to be determined with reasonable accuracy; and
 - (c) Will enable Massey University to ensure that the financial statements comply with Section 154 of the CEA; and
 - (d) Will enable the financial statements of Massey University to be readily and properly audited.

(Section 168).
- (ii) Include a statement of responsibility dated and signed by two Council members in accordance with Section 155 in financial statements.
- (iii) Sign Annual Report containing information required by Section 151 (Section 151(2)).
- (iv) Forward to the Auditor-General its annual financial statements, statements of service performance, and any other information that the Auditor-General has agreed, or is required, to audit (Section 156).

Schedule E

Health and Safety in Employment Act 1992

PART A

Council Duties as Employer of the Vice-Chancellor of Massey University

- (i) Take all practicable steps to ensure the safety of employees while at work (Section 6).
- (ii) Ensure that there are in place effective methods for-
 - (a) Systematically identifying existing hazards to employees at work; and
 - (b) Systematically identifying (if possible before, and otherwise as, they arise) new hazards to employees at work; and
 - (c) Regularly assessing each hazard identified, and determining whether or not it is a significant hazard.(Section 7(1)(a) to (c)).
- (iii) Take all practicable steps to ensure all accidents are investigated to determine their cause (Section 7(2)).
- (iv) Take all practicable steps to eliminate significant hazards from employees at work (Section 8).
- (v) Take all practicable steps to isolate significant hazards to employees where the significant hazard cannot be eliminated (Section 9).
- (vi) Take all practicable steps to minimise the likelihood that a significant hazard will be a cause or source of harm to employees (Section 10(2)(a)).
- (vii) Provide, make accessible to, and ensure the use by employees of suitable clothing and equipment to protect them from harm that may be caused from hazard(s) (Section 10(2)(b)).
- (viii) Monitor the exposure of employees to hazards (Section 10(2)(c)).
- (ix) Take all practicable steps to obtain employees' consent to the monitoring of their health in relation to hazards (Section 10(2)(d)).
- (x) To monitor the health of employees, with their informed consent, in relation to exposure to hazards (Section 10(2)(e)).
- (xi) Ensure that every employee is given the results of any monitoring of conditions in the employee's place of work, and/or the health and safety of employees in the place of work (Section 11(2) (a) and (b)).

- (xii) Ensure that every employee is advised of their place of employment's emergency protocols, hazards, and hazard reduction/elimination policies in respect of the work undertaken (Section 12(1)(a), (b), (c), (d)).
- (xiii) Provide all health and safety representatives access to sufficient information about health and safety systems and health and safety issues in the place of work to enable the representatives to perform their functions effectively (Section 12(2)).
- (xiv) Take all practicable steps to ensure every employee is supervised by an appropriately skilled/experienced person to ensure that employees are not likely to cause harm to the employee or other people (Section 13).
- (xv) Take all practicable steps to ensure that no action or inaction of any employee while at work harms any other person (Section 15).
- (xvi) Take all practicable steps to warn all other persons of significant hazards (Section 16(3)).
- (xvii) Provide reasonable opportunities for employee(s) to participate effectively in ongoing processes for improvement of health and safety in the employee(s) place of work (Section 19B(1)).
- (xviii) Provide ongoing processes for improvement of health and safety (Section 19B(2)).
- (xix) Cooperate with all employees who wish to be involved, or any union or unions representing any of the employees, in the participation of employees in processes relating to health and safety in the place of work (Section 19C(2)).
- (xx) Allow health and safety representatives two days paid leave each year to attend health and safety training approved by the Minister of Labour (Section 19E(1)).
- (xxi) Maintain a register of accidents and serious harm and record in the register particulars relating to-
 - (a) Every accident that harmed (or, as the case may be, might have harmed)-
 - (i) Any employee at work; or
 - (ii) Any person in a place of work controlled by Massey University.
- (xxii) Notify the Secretary of Labour of the occurrence of any serious harm or accident as soon as possible after the occurrence of the serious harm or accident (Section 25(3)(a)).

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PART B

- (i) Take all practicable steps to ensure that no hazard that is or arises in the place of work harms any person in the vicinity or any person lawfully at work (Section 16(1)(a) to (b)).
- (ii) Take all practicable steps to ensure that no hazard that is or arises in the place of work harms people-
 - (a) Who are in the place with the express or implied consent of Massey University;
and
 - (b) Who-
 - (i) have paid Massey University (directly or indirectly) to be there or to undertake an activity there; or
 - (ii) are there to undertake activities that include buying or inspecting goods from whose sale Massey University derives or would derive (directly or indirectly) any gain or reward.

(Section 16(2)).

Schedule F

Health and Safety in Employment Act 1992

Duties of Employees:

- (i) Take all practicable steps to ensure-
 - (a) The employee's safety while at work (including by using suitable protective clothing and suitable protective equipment provided by the employer or, if section 10(4) applies, suitable protective clothing provided by the employee himself or herself); and
 - (b) That no action or inaction of the employee while at work causes harm to any other person.

(Section 19).