

*Mr. McCombs*

CANTERBURY MUSEUM TRUST BOARD

[LOCAL BILL]

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A BILL INTITULED

AN ACT to set up a Board of Trustees, to be called **Title.**  
the Canterbury Museum Trust Board, to control  
the Canterbury Museum, to vest the Control of the  
5 Museum in the Board, and to make Provision for  
the Finances and Administration of the Board.

WHEREAS the Canterbury University College Council **Preamble.**  
has for many years past controlled the Canterbury  
Museum and without the Museum being a charge on  
10 public funds: And whereas the Museum is becoming of

increasing importance as an educational institution and it is desirable that the responsibility for its maintenance and development should be more widely shared.

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

Short Title  
and  
commencement.

1. This Act may be cited as the Canterbury Museum Trust Board Act, 1947. Section *three* of this Act shall come into force on the passing of the Act, and the remaining sections of this Act shall come into force on the first day of April, nineteen hundred and forty-eight.

Canterbury  
Museum Trust  
Board.

2. (1) There is hereby established a Board, to be called the Canterbury Museum Trust Board.

(2) The Board shall consist of—

(a) The Mayor of Christchurch and two members of the Christchurch City Council to be appointed annually by such Council.

(b) Two representatives to be elected annually from and by the Councils of the Boroughs of Lyttelton and Riccarton and the Counties of Heathcote, Waimairi, and Halswell.

(c) Two representatives to be elected annually from and by the local authorities of the boroughs, town district, and counties named in the Schedule hereto.

(d) Three persons to be appointed annually by the Canterbury University College Council.

(e) Two persons to be appointed annually by the Canterbury Branch of the Royal Society of New Zealand.

(f) Two persons to be appointed annually by the Association of Friends of the Canterbury Museum.

(g) One person to be appointed annually by the Canterbury Pilgrims' and Early Settlers' Association.

(h) The Director of the Museum.

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

(4) The Board is hereby declared to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act, 1934:

5 Provided that the Director of the Museum shall not be disqualified from being a member of the Board by virtue of his receiving from the Board the remuneration attached to his office.

3. (1) Nominations for the representatives of the local bodies referred to in paragraphs (b) and (c) of subsection *two* of section *two* shall be lodged in the year nineteen hundred and forty-eight with the Registrar of Canterbury University College, and thereafter with the Secretary to the Board, not later than the first day of March in each year, and each local body may nominate one representative.

Election of representatives of local bodies and manner of conducting poll.

15 (2) Each member of such local bodies shall have one vote, and the elections shall be under the control in the year nineteen hundred and forty-eight of the Registrar of Canterbury University College, and thereafter of the Secretary to the Board, who shall act as Returning Officer; and such elections shall be held on a day to be appointed in the year nineteen hundred and forty-eight by the Canterbury University College Council and thereafter by the Board, being not later than the first day of April in each year; and not less than four weeks' notice of the day fixed for such elections shall be forwarded by the Registrar of the Canterbury University College or the Secretary to the Board, as the case may be, to each of the said local bodies.

20 (3) The two candidates who receive the greatest number of votes at each such election shall be deemed to be the representatives of their respective groups of local bodies for the ensuing year. Where there is an equality of votes between candidates and the addition of a vote would entitle any of those candidates to be declared elected, the Returning Officer shall determine by lot which candidate shall be elected.

25 (4) In the event of any alteration in the districts of any of the local bodies referred to as the result of a scheme under the Local Government Commission Act, 1946, the Governor-General may by Order in Council vary the representation of the respective local bodies on the Board in accordance with any recommendation of the Local Government Commission.

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Appointment,  
election, and  
resignation of  
members of  
Board.

4. (1) Any member of the Board, whether appointed or elected, may from time to time be reappointed or may at any time resign his office by writing addressed to the Secretary to the Board.

(2) Every such member, unless he sooner vacates his office, shall continue to hold office until his successor comes into office. 5

(3) Every casual vacancy shall be filled in the same manner as in the case of the vacating member, and the member appointed or elected to fill any casual vacancy shall hold office only for the residue of the term of the vacating member. 10

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

Meetings of  
Board.

5. (1) The Board shall elect a chairman from amongst its members at its first meeting, and thereafter at the annual meeting to be held in the month of April in every succeeding year. 15

(2) The chairman shall preside at all meetings of the Board at which he is present. In the absence of the chairman from any meeting the members present shall appoint one of their number to be the chairman of that meeting. 20

(3) At any meeting of the Board seven members shall form a quorum. 25

(4) All questions before the Board shall be decided by a majority of the valid votes recorded thereon.

(5) At any meeting of the Board the Chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote. 30

(6) Subject to the provisions of this Act, the Board shall regulate its own proceedings.

Transfer of  
assets.

6. The assets of the Canterbury Museum as shown in the balance-sheet of the Museum appearing in the accounts of Canterbury University College as at the thirty-first day of March, nineteen hundred and forty-eight, shall by virtue of this Act vest in the Board on the coming into operation of this Act. 35

Transfer of  
obligations, &c.

7. All obligations, engagements, and liabilities of Canterbury University College in respect of the Museum shall by virtue of this Act be obligations, engagements, and liabilities of the Board: 40

Provided that nothing in this Act shall be so construed as to affect in any way the rights of any creditor.

8. All the functions, powers, and authorities vested in or which might lawfully be exercised prior to the coming into force of this Act by Canterbury University College in relation to the Museum shall by virtue of this Act be vested in and may be lawfully exercised by the Board.
9. The Canterbury University College Council shall annually pay to the Board one-half of the net income available from its Museum, Library, and School of Technical Science Endowment.
10. The Councils of each of the City of Christchurch, the Boroughs of Lyttelton and Riccarton, and the Counties of Heathcote, Waimairi, and Halswell shall contribute annually towards the maintenance, support, and development of the Museum an amount equivalent to one-fortieth of a penny in the pound of the capital value of all rateable property within their respective districts: the Council of the County of Paparua shall contribute annually towards the maintenance, support, and development of the Museum an amount equivalent to one-seventieth of a penny in the pound of the capital value of all rateable property within its district; the local authorities of the districts named in the Schedule hereto shall each contribute annually towards the maintenance, support, and development of the Museum an amount equivalent to one-hundredth of a penny in the pound of the capital value of all rateable property within their respective districts.
11. All such amounts shall be due and payable by each local authority in each year commencing from the first day of April, nineteen hundred and forty-eight, and may at the option of the local authority be paid out of its general funds or out of the proceeds of the rate provided for in the next succeeding section.
12. In addition to any other rate which it is authorized to make each local authority may from time to time make and levy a rate in its district, to be known as the Canterbury Museum rate, for the purpose of providing the contribution payable to the Board in terms of the provisions hereof; and all the provisions of the Rating Act, 1925, and its amendments shall apply to such rate.
- Functions and powers of Board.
- Contribution by Canterbury University College Council.
- Contributions by local bodies.
- Time of payment and manner of raising money.
- Rate may be levied.

Borrowing-  
powers of  
Board.

13. (1) For the purposes of erecting buildings or of making additions or alterations to buildings, or of purchasing land, or of providing furnishings or equipment, or of paying off any loan which has theretofore been raised by the Board or for which the Board is liable, or for any other purposes of capital expenditure, the Board may borrow money; and as security for any such loan the Board may issue debentures or mortgage or charge any land vested in it, but no such debenture, and no mortgage or charge, shall contain or imply any power of sale of any land which the Board has no power to sell. 5 10

(2) The Board may borrow by way of bank overdraft in anticipation of revenue, and such money may be expended either for maintenance or for capital purposes; but the amount of any such overdraft shall not at any time in any financial year exceed the total amount of the contributions payable to the Board by contributory local authorities during that year and then unpaid, together with the estimated amount receivable by the Board during that year by way of contribution under section *nine* hereof and then unpaid. 15 20

(3) For the purpose of the issue of debentures as herein provided the Board shall be deemed to be a local authority within the meaning of the Local Bodies' Loans Act, 1926, save that it shall not be necessary in any case to take the steps prescribed by sections nine to thirteen of that Act. In particular, but without limiting the general application of the said Act, the provisions of sections twenty-seven to sixty-one thereof and of Parts IV, V, and VI thereof, shall, with the necessary modifications, apply with respect to the issue of debentures by the Board under the authority of this section. 25 30

(4) The provisions of section ninety-one of the said Act, as applied by this Act, shall be deemed to authorize the investment by the Public Trustee of moneys belonging to the Common Fund of the Public Trust Office, notwithstanding anything to the contrary in the Public Trust Office Act, 1908. 35 40

14. All moneys borrowed by the Board pursuant to subsection *one* of the last preceding section shall, as and when raised, be paid into a separate account at the bank at which the moneys of the Board are kept  
 5 and shall not be drawn out of such account or expended except for the special purpose for which they were borrowed:

Loan-moneys to be paid to separate account.

10 Provided that any surplus moneys remaining after the completion of the work for which the said moneys were borrowed may be expended for any other purpose for which the Board is authorized to borrow money as aforesaid or may be applied towards the reduction of the loan.

15 15. (1) The Audit Office shall be the Auditor of the Board, and shall have the same duties and powers in respect of the moneys and accounts of the Board and of every person dealing therewith as if the Board were a local authority within the meaning of section one hundred and twenty-four of the Public Revenues Act,  
 20 1926.

Accounts to be audited by Audit Office.

25 (2) Within twenty-eight days after the close of each financial year ending on the thirty-first day of March the Board shall cause to be prepared and submitted to the Audit Office for audit a balance-sheet and income and expenditure account showing fully the financial position of the Board at the close of the year.

30 16. (1) The Board may by resolution from time to time appoint fit persons to be Director of the Museum, Secretary to the Board, and all such other officers and servants as it thinks necessary to assist in the execution of this Act, and may pay such persons such salaries and allowances as it thinks fit.

Appointment of officers.

(2) One person may hold two or more of such offices.

35 (3) Any officer or servant of the Board may be at any time removed from office by the Board.

SCHEDULE

Schedule.

THE Boroughs of Akaroa, Ashburton, Kaiapoi, and Rangiora.  
 The Town District of Leeston.  
 The Counties of Akaroa, Amuri, Ashburton, Ashley, Cheviot, Ellesmere, Eyre, Mount Herbert, Kowhai, Malvern, Oxford, Rangiora, Selwyn, Springs, Tawera, Waipara, and Wairewa.