

Mr. McCombs

CANTERBURY MUSEUM TRUST BOARD

[LOCAL BILL]

ANALYSIS

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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:—

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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. 10

New

Short Title.

1A. (1) This Act may be cited as the Canterbury Museum Trust Board Act, 1947. 15

Commencement.

(2) 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. 20

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: 25

(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, ~~and~~ *Paparua*: 30

(c) Two representatives to be elected ~~annually~~ from and by the local authorities of the boroughs, town district, and counties named in the *First* Schedule hereto: 35

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

(e) ~~Two persons.~~ *One person* to be appointed ~~annually~~ by the Canterbury Branch of the Royal Society of New Zealand: 40

(f) ~~Two persons.~~ *One person* 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.~~

5 (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.

10 (4) The Board is hereby declared to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act, 1934, and the Local Government Loans Board Act, 1926.

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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.
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New

20 (5) 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, or as a result of action under any other Act, the Governor-General may by Order in Council vary the
25 representation of the respective local bodies on the Board.

Struck out

30

3. (1) Nominations for the representatives of the local bodies referred to in paragraphs (b) and (c) of subsection <i>two</i> of section <i>two</i> 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 35 body may nominate one representative.

40 (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

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

Struck out

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.

(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.

(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.

New

First members
of Board.

3A. (1) The first members of the Board shall be appointed and elected as follows:—

(a) The appointees of the Christchurch City Council shall be appointed by resolution of the Council not later than the last day of March nineteen hundred and forty-eight:

(b) The representatives to be elected under paragraphs (b) and (c) of subsection *two* of the *last preceding* section shall be elected within three months after the municipal general elections are held under the Municipal Corporations Act, 1933, in the year nineteen hundred and forty-seven, and the provisions of the *next succeeding* section as to the election of subsequent members of the Board shall apply to the first election save that the returning officer for the first election shall be the Registrar of Canterbury University College:

New

5 (c) The members to be appointed under paragraphs (d), (e), (f), and (g) of subsection *two* of the *last preceding* section shall be appointed by the bodies therein referred to not later than the last day of March, nineteen hundred and forty-eight:

10 (2) The first members of the Board shall come into office on the *first* day of *April*, nineteen hundred and forty-eight.

3B. (1) Within three months after municipal general elections are held under the Municipal Corporations Act, 1933,— Subsequent members of Board.

15 (a) The Christchurch City Council shall appoint two of its members to be members of the Board:

20 (b) The local authorities mentioned in paragraph (b) of subsection *two* of section *two* of this Act shall elect two persons to be members of the Board:

(c) The local authorities mentioned in the *First* Schedule hereto shall elect two persons to be members of the Board:

25 (d) The bodies referred to in paragraphs (d), (e), (f), and (g) of subsection *two* of section *two* of this Act shall each appoint the appropriate number of persons to be members of the Board.

30 (2) With respect to every election by local authorities pursuant to paragraphs (b) and (c) of the *last preceding* subsection, the following provisions shall apply:—

35 (a) The Secretary of the Board or such other person as the Board may appoint shall be the returning officer for the election and shall make all necessary arrangements for and conduct the election:

40 (b) Each local authority shall be entitled to nominate one person for election as a member of the Board:

(c) Written notice of the date on which the election is to be held shall be given to each local authority concerned by the returning officer

New

- not less than forty-two days prior to such date, and the notice shall specify a day (not earlier than twenty-one days after the delivery of the notice) by which nominations must be lodged with the returning officer: 5
- (d) Immediately after the closing-date for nominations the returning officer shall send by post to the local authorities concerned notifications of the nominations received: 10
- (e) Each member of each local authority concerned shall have one vote:
- (f) The two candidates who receive the greatest number of votes at each election shall be declared elected: 15
- (g) 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: 20
- (h) If the number of nominations does not exceed the number of vacancies to be filled up the returning officer shall forthwith on the closing of nominations declare the candidates nominated to be duly elected: 25
- (i) The Board may make such regulations as it shall think fit (not being inconsistent with this Act) in respect of any matters relating to the conduct of the election which are not herein provided for. 30
- (3) Every member of the Board appointed or elected under this section shall come into office on the day following that on which he is appointed or elected.
4. (1) Any member of the Board, whether appointed or elected, may from time to time be reappointed or re-elected or may at any time resign his office by writing addressed to the Secretary to the Board. 35
- (2) Every such member, unless he sooner vacates his office, shall continue to hold office until his successor comes into office. 40

Appointment,
election, and
resignation of
members of
Board.

(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
5 vacating member:

New

10 | Provided that in any case where the casual vacancy occurs within four months before the date fixed for the next municipal general election under the Municipal Corporations Act, 1933, the vacancy may be filled by the Board.

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

15 | 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. Meetings of Board.

20 | (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.

(3) At any meeting of the Board ~~seven~~ six 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 | *New*

(5A) The Director of the Museum shall attend all meetings of the Board as far as it is practicable for him to do so:

35 | Provided that, if the Board so directs, the Director shall temporarily retire from any meeting.

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

New

40 | 5A. (1) On the first day of April, nineteen hundred and forty-eight, the vesting in the Corporation of Canterbury University College of the land described in the *Second* Schedule hereto shall be deemed to be cancelled, Vesting of Museum-site.

New

and the said land shall, as on and from that day, be deemed to be vested in the Board, which shall hold such land upon the trusts and for the specific purposes contemplated by the Canterbury Museum and Library Ordinance, 1870: 5

Provided that nothing in the foregoing provisions of this section shall affect the rights appurtenant to the land described in section fifty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1925, created in favour of the Corporation of the City of Christchurch by subsection two of section eight of the Reserves and other Lands Disposal Act, 1932, and all the provisions of that subsection and of subsection three of the said section eight shall, with the necessary modifications, continue in full force and effect. 10 15

(2) The District Land Registrar for the Land Registration District of Canterbury is hereby empowered and directed to make such entries in the registers and generally to do all such things as may be necessary to give full effect to the provisions of this section. 20

Transfer of other assets.

6. ~~The assets~~ *All other 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~~ *the first day of April, nineteen hundred and forty-eight.* 25

Transfer of obligations, &c.

7. (1) 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: 30

Provided that nothing in this Act shall be so construed as to affect in any way the rights of any creditor. 35

New

(2) The Board shall indemnify Canterbury University College against all its liabilities in respect of the Museum.

Functions and powers of Board.

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. 40 45

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. Contribution by Canterbury University College Council.
- 5 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
- 10 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
- 15 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 *First Schedule* hereto, *other than the Council of the County of Ashburton*, shall each contribute annually towards
- 20 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
- New*
- 25 ; and the Council of the County of Ashburton shall contribute annually towards the maintenance, support, and development of the Museum an amount equivalent to one one-hundred-and-fiftieth of a penny in the pound of the
- 30 capital value of all rateable property within its district.
11. All such amounts shall be due and payable by ~~each local authority~~ *the local authorities* in each year commencing from the first day of April, nineteen hundred and forty-eight, and may at the option of the
- 35 local authority be paid out of its general funds or out of the proceeds of the rate provided for in the next succeeding section. Time of payment and manner of raising money.
12. In addition to any other rate which it is authorized to make each local authority may from time to
- 40 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
- 45 to such rate. 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

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(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 35

(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. 40

New

(4A) The provisions of the Local Bodies' Finance Act, 1921-22, and of the Local Bodies' Loans Act, 1926, shall, with the necessary modifications, apply to the Board in all respects as if the Board were a local authority within the meaning of those Acts, except that it shall not be necessary in any case to take the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926.

Struck out

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 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.

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.

New

14A. (1) All moneys belonging to the Board amounting to five pounds and upwards shall, within seven days after they have come to the hand of the proper officer of the Board, be paid into such bank as the Board from time to time appoints, to the account of the Board.

Banking and withdrawal of Board moneys.

(2) No moneys shall be drawn out of the bank except by cheque signed by any two of such members of the Board as the Board from time to time authorizes to sign cheques, and countersigned by an officer appointed by the Board for the purpose.

14B. There may be paid to the Chairman and to the members of the Board or of any Committee thereof out of the funds of the Board all amounts actually and reasonably expended by them in attending meetings of the Board or of any committee thereof, or in transacting any business of the Board pursuant to a resolution of the Board.

Travelling-allowances.

New

Unauthorized
expenditure.

14c. The Board may in every financial year expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per centum of the gross receipts of the Board for that year, nor in any case to more than seventy-five pounds. 5

Costs of
promotion
of Act.

14d. The costs incurred by Canterbury University College in the promotion and preparation of this Act and in assisting its passage through Parliament may be paid out of the funds of the Board. 10

Accounts to be
audited by
Audit Office.

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, 1926. 15

(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. 20

Appointment
of officers.

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. 25

(2) One person may hold two or more of such offices. 30

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

Schedules.

SCHEDULES

FIRST 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, Kowai, Malvern, Oxford, Rangiora, Selwyn, Springs, Tawera, Waipara, and Wairewa.

New

SECOND SCHEDULE

ALL that area in the Canterbury Land District, containing by admeasurement 1 acre 0 roods 37·5 perches, more or less, being part of Reserve 25, situated in the City of Christchurch, and being all the land contained in certificate of title, Volume 471, folio 210, Canterbury Registry, subject, nevertheless to the rights created by section 8 of the Reserves and other Lands Disposal Act, 1932.