

Mr Palmer

CANTERBURY MUSEUM TRUST BOARD

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to make better provision for the constitution of the Board of Trustees of the Canterbury Museum Trust Board, for control of the Canterbury Museum, and for the finances and administration of the Board

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

1. Short Title—This Act may be cited as the Canterbury Museum Trust Board Act 1983.

2. Canterbury Museum Trust Board—(1) There shall continue to be a Board known as the Canterbury Museum Trust Board, which shall be the same body corporate as the Canterbury Museum Trust Board established by section 2 of the Canterbury Museum Trust Board Act 1947.

- (2) The Board shall consist of—
- (a) The Mayor of Christchurch and 2 members of the Christchurch City Council to be appointed by that Council:
 - (b) One member to be appointed from and by the Waimairi District Council: 5
 - (c) Two representatives to be elected from and by the Councils of the Boroughs of Lyttelton and Riccarton, and the Counties of Heathcote and Paparua:
 - (d) Three representatives to be elected from and by the local authorities of the boroughs, town district, and 10 counties (other than those referred to in **paragraphs (a), (b), and (c)** of this subsection) named in the **Schedule** to this Act:
 - (e) Two persons to be appointed by the University of Canterbury: 15
 - (f) One person to be appointed by the Canterbury Branch of the Royal Society of New Zealand:
 - (g) One person to be appointed by the Association of Friends of the Canterbury Museum:
 - (h) One person to be appointed by the Canterbury Pilgrims' 20 and Early Settlers' Association:
 - (i) One person resident in the area of any contributing authority listed in the **Schedule** to this Act to be appointed by the New Zealand Maori Council.
- (3) The Board shall be a body corporate with perpetual 25 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 Loans Act 1956. 30
- (5) In the event of any alteration in the districts of any of the local bodies referred to in the **Schedule** to this Act as the result of a scheme under the Local Government Act 1974, or as a result of action under any other Act, the Governor-General may by Order in Council vary the representation of the 35 respective local bodies on the Board and make appropriate alterations to the differentials set out in the said **Schedule**.

3. Board members to continue in office—The members of the Board shall be those holding office as such immediately before the commencement of this Act pursuant to the 40 Canterbury Museum Trust Board Act 1947 together with 2 additional members to be appointed by the Board of which 1 shall represent the Councils referred to in **section 2 (2) (c)** of this Act and 1 shall represent the Councils referred to in **section 2 (2) (d)** of this Act. 45

4. Subsequent members—(1) Within 3 months after general elections are held under the Local Government Act 1974—

- (a) The Christchurch City Council shall appoint 2 of its members to be members of the Board:
- 5 (b) The Waimairi District Council shall appoint 1 of its members to be a member of the Board:
- (c) The local authorities mentioned in **section 2 (2) (c)** of this Act shall elect 2 persons to be members of the Board:
- 10 (d) The local authorities mentioned in the **Schedule** to this Act (other than those referred to in **paragraphs (a), (b), and (c)** of this subsection) shall elect 3 persons to be members of the Board:
- (e) The bodies referred to in **section 2 (2) (e) to (i)** of this Act shall each appoint the appropriate number of persons to be members of the Board:
- 15 (2) With respect to every election by local authorities pursuant to **paragraphs (c) and (d) of subsection (1)** of this section, the following provisions shall apply:
 - 20 (a) The Secretary of the Board, by virtue of his office, 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:
 - (b) Each local authority shall be entitled to nominate 1 person for election as a member of the Board:
 - 25 (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 not less than 42 days before such date, and the notice shall specify a date (not earlier than 21 days after the delivery of the notice) by which nominations must be lodged with the returning officer:
 - 30 (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:
 - 35 (e) Each member of each local authority concerned shall have 1 vote:
 - (f) The 2 or 3 candidates, as the case may be, who receive the greatest number of votes at each election shall be declared elected:
 - 40 (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:
 - 45

(h) If the number of nominations does not exceed the number of vacancies to be filled, the returning officer shall forthwith on the closing of nominations declare the candidates nominated to be duly elected:

(i) The Board may make such rules as it thinks 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. 5

(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. 10

5. Appointment, election, and resignation of Board members—(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. 15

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

(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. 20

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

6. Meetings of Board—(1) The Board shall elect a chairman from amongst its members at the annual general meeting to be held in the month of April in every year. 25

(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 member to be the chairman of that meeting. 30

(3) At any meeting of the Board 8 members shall form a quorum.

(4) All questions before the Board shall be decided by a majority of the valid votes recorded thereon. 35

(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.

(6) The Director of the Museum shall attend all meetings of the Board as far as it is practicable for him to do so: 40

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

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

7. Functions and powers of Board—(1) The functions of the Board shall be—

- (a) To control and maintain the Canterbury Museum, Christchurch:
- 5 (b) To acquire, preserve, act as a national repository for, and display collections of material principally concerning New Zealand, the Pacific, the sub-Antarctic regions and the continent of Antarctica relating to plants, animals, geology, ethnology, and the history of man:
- 10 (c) To acquire, preserve and act as repository for, and display archives originating particularly in Canterbury and collections of works representing the whole range of the visual arts:
- (d) To provide an educational service in connection with those
- 15 collections:
- (e) To conduct related research and to co-ordinate such research with other research bodies:
- (f) To publish, produce, reproduce, buy, sell, and exchange literary, scientific, educational, and artistic works and
- 20 objects:
- (g) To co-operate with and assist other public museums, art galleries, and allied organisations in the performance of the said functions:
- (h) To do all such other things as are incidental or conducive
- 25 to the performance of the functions and exercise of the powers of the Board.
- (2) The Board shall have such powers, not inconsistent with this Act, as are reasonably necessary for the effective performance of its functions, and, without limiting the
- 30 generality of the foregoing, the Board may—
- (a) Take such measures as it considers necessary to ensure that adequate finance is available to carry out its functions:
- (b) Receive any money made available by the Crown, any
- 35 local or public authority, or any organisation or individual, and allocate the money in such manner as it thinks fit:
Provided that the Board shall not allocate any money given for a specified purpose to any other
- 40 purpose:
- (c) Prescribe the days on which and the hours during which the land and buildings vested in the Board or under its control, or any part thereof, or any exhibition provided, arranged, or controlled by it, are open for admission, and the fees (if any) that may be charged
- 45 for such admission:

- (d) Grant the use of any part of any land or building to any person, body, or society (whether incorporated or not) for a purpose approved by the Board, on such terms as it thinks fit:
- (e) Establish broad lines of policy for the guidance of the Director or any committee of the Board: 5
- (f) Enter into such agreements as are necessary for the effective performance of its functions and powers, including the acceptance of articles on loan for exhibition: 10
- (g) Purchase, take on lease or in exchange, hire, and otherwise acquire any real and personal property and any rights and privileges which the Board may think necessary or convenient for the performance of its functions and exercise of its powers. 15

8. Delegation of functions and powers—(1) The Board may from time to time, either generally or specifically, by resolution, delegate any of its functions and powers (except this power of delegation) to the director or any committee.

(2) Subject to any general or special directions given or conditions imposed by the Board, the Director or any committee to which any such delegation is made may exercise or perform the delegated functions or powers in the same manner and with the same effect as if they had been conferred by this section and not by delegation. 25

(3) Where the Director or any committee purports to act pursuant to any such delegation, he or it shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any function or power by the Board. 30

(5) Until any such delegation is revoked, it shall continue in force according to its tenor.

9. Committees—(1) The Board may from time to time, by resolution, appoint or discharge or alter or continue or reconstitute any committee to advise the Board on such matters concerning the functions of the Board as it sees fit. 35

(2) Any person may be appointed to be a member of a committee notwithstanding that he is not a member of the Board. 40

(3) Subject to any directions given by the Board, every committee may regulate its own procedure.

10. Ownership of exhibits—Where, in respect of any exhibit held in the Canterbury Museum or elsewhere in the control or custody of the Board, it cannot be clearly established whether the exhibit is owned by the Board or is owned by
5 any other person, the exhibit shall be deemed to be owned by the Board.

11. Contracts of Board—(1) Any contract which, if made between private persons, must be by deed shall, when made by the Board, be in writing under the seal of the Board.

10 (2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, when made by the Board, be either under the seal of the Board or signed by 2 members of the Board on behalf of and by direction of the Board.

15 (3) Any contract which, if made between private persons, may be made orally may be similarly made by or on behalf of the Board by any member or officer of the Board acting by direction of the Board, but no oral contract shall be made for any sum exceeding \$200.

20 (4) Notwithstanding anything in the provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in the manner provided in the provisions of this section if it was made pursuant to a resolution of the Board or to give effect to a resolution of the
25 Board, either in relation to contracts generally or in relation to that particular contract.

12. Local authorities, etc., may contribute to Board's funds—For the purpose of providing funds for the exercise and performance of the Board's powers and functions, any
30 local authority or public body may from time to time without further authority than this section make grants out of its general funds to the Board of such amounts as it thinks fit.

13. Money to be banked—(1) Where any money belonging to the Board amounting to \$20 or upwards comes into the
35 hands of any officer of the Board or other person authorised to receive money on behalf of the Board, that officer or other person shall, within 7 days after the money comes into his hands, or within such shorter period as the Board from time to time directs, pay it to such officer of the Board as the Board
40 from time to time directs, who shall forthwith pay it, together with any money received direct by him, into the appropriate account at such trading banks and savings banks as the Board from time to time appoints.

(2) No money shall be withdrawn from the bank except by the authority of the Board and either by cheque or by any other instrument (not being a promissory note or a bill) signed by the Director or Accountant and countersigned by a member of the Board who is for the time being authorised by the Board to countersign cheques or, as the case may be, such other instruments. 5

(3) Notwithstanding any delegation under **section 8** of this Act, every payment of money by the Board shall be authorised by a prior resolution of the Board or shall be submitted to the Board for confirmation at its next ordinary meeting after the date of payment. 10

14. Levies on local authorities—(1) The Board may in any financial year for the purposes of the management, maintenance, support and development of the museum in that year, make a levy against the Councils of the City of Christchurch and the boroughs, districts, and counties mentioned in the first column of the **Schedule** to this Act (hereinafter referred to as the contributing authorities) of such amount as may by resolution be fixed by the Board. 15 20

(2) Not later than the 25th day of February in each year the Board shall prepare estimates of its income and expenditure for the year commencing on the next following 1st day of April and shall post a copy thereof to each contributing authority together with a calculation of its proportion of levy. 25

(3) If by the 25th day of March in the same year more than half the number of contributing authorities give written notice to the Board of their objection to the total amount of levy against all contributing authorities, the Board shall convene a meeting of all contributing authorities to be held no later than the following 26th day of April. 30

(4) At that meeting each contributing authority may be represented by 1 delegate. The delegates attending the meeting shall hear such submissions as the Board may make in support of its levy. The majority of delegates present at the meeting and numbering more than half the total number of contributing authorities may resolve that the total levy be reduced to such amount as is thought fit, being not less than the total levy made in respect of the previous year. 35

15. Calculation of levy—(1) For the purpose of apportioning levies the population of the district of each contributing authority shall be the number of persons in that district as at the 31st day of March immediately preceding the previous 40

financial year, according to figures obtained from the Department of Statistics, but the Board in its absolute discretion may adjust such number by reason of there being groups of persons temporarily or for a special purpose in any district at
5 that date.

(2) For the purposes of apportioning levies the capital value of rateable property shall be the capital value thereof as at the 31st day of March immediately preceding the previous financial year, such value being determined under the Valuation of Land
10 Act 1951, equalised in accordance with Part IX of the Rating Act 1967, and certified as correct by the Valuer-General.

(3) The population computed as provided for in **subsection (1)** of this section and the equalised capital value computed as provided for in **subsection (2)** of this section shall be calculated
15 as a percentage of the total adjusted population and the total equalised capital value of all rateable property in the districts of all contributing authorities.

(4) The levy made in each financial year against each contributing authority shall be an amount equal to a percentage
20 of the total contribution computed as follows:

- (a) The mean of the percentages of equalised capital value and population of each contributing authority computed in accordance with **subsection (3)** of this section shall be ascertained:
- 25 (b) The mean percentage ascertained for each contributing authority under **paragraph (a)** of this subsection shall be multiplied by the relevant differential shown in the **Schedule** to this Act:
- (c) Each product ascertained under **paragraph (b)** of this sub-
30 section shall be converted to a percentage of the total of the products calculated according to the said **paragraph (b)** for all contributing authorities.

16. Payment of contributions—All such amounts shall be due and payable by the local authorities in each year
35 commencing on the 1st day of April 1983, 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 **section 17** of this Act.

17. Power to rate—In addition to any other rate which it
40 is authorised 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 under this Act; and all the relevant provisions of the Rating Act 1967 shall apply to such
45 rate.

18. Borrowing powers—(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 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

(2) The provisions of the Local Authorities Loans Act 1956 shall, with the necessary modifications, apply to the Board in all respects as if the Board were a local authority within the meaning of that Act, except that it shall not be necessary in any case to take the steps prescribed by sections 34 to 44 of that Act. 10

19. Payment by University of Canterbury—The University of Canterbury shall annually pay to the Board one-half of the net income available from its Museum, Library, and School of Technical Science Endowment. 15

20. Investment of money—Subject to the terms of any trust or endowment, any money held by or on behalf of the Board and available for investment shall be invested in any securities in which trust funds may be invested by trustees in accordance with the Trustee Act 1956, or in accordance with any other statutory authority, or in such other manner as the Board, with the approval of the Minister of Finance, may determine: 20

Provided that, notwithstanding any rule of law or equity to the contrary, the Board shall not be obliged to convert any securities which are the subject of a gift to the Board and which are not securities in which the Board may invest money pursuant to this section. 25

21. Application of income and capital—(1) Subject to the terms of any trust or endowment, the income and capital of the Board shall be applied in doing whatever the Board thinks expedient to enable the Board to accomplish the purposes for which it is established. 30

(2) Without limiting the generality of subsection (1) of this section, the Board may from time to time transfer any of its income to the capital of the fund created for any one or more of the purposes for which that income may be applied. 35

22. Unauthorised expenditure—The Board may in every year, out of its funds, expend for purposes not authorised by any Act or law for the time being in force any sum or sums not amounting in the aggregate to more than \$2,000.

5 **23. Exemption from land tax and income tax**—The Board shall be exempt from the payment of land tax and income tax.

24. Members of Board and committees not personally liable—No member of the Board or of any committee shall
10 be personally liable for any act or default done or made by the Board or committee or by any member thereof in good faith in the course of the operations of the Board or committee.

25. Staff—(1) The Board may by resolution from time to time appoint fit persons to be the Director of the Museum,
15 Secretary to the Board, Accountant, and all such other officers and employees as it thinks necessary to assist in the execution of this Act, and may pay such persons such salaries and allowances subject to existing agreements and awards as it thinks fit.

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

(3) Any officer or employee of the Board, subject to any contract of service, may be at any time removed from office by the Board.

26. Audit of Board's accounts—The Board shall keep full
25 and correct accounts of all money received and expended by it, and the accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Finance Act 1977 in respect of public money and stores and persons dealing therewith.

30 **27. Annual report and accounts**—(1) The Board shall, not later than the 31st day of May in every year, prepare in conformity with acceptable accounting principles and practices financial statements in respect of the operations of the Board for the financial year ending on the previous 31st day of March,
35 and shall submit such accounts to the Audit Office.

(2) A copy of the financial statements with the report of the Audit Office thereon shall be sent to each contributing local authority immediately upon completion of the audit.

28. Repeal—The Canterbury Museum Trust Board Act 1947
40 is hereby repealed.

SCHEDULE

Sections 15 and 16

	<i>Contributing Authority</i>				<i>Differential</i>
Christchurch City	10
Heathcote County	10
Lyttelton Borough	10
Riccarton Borough	10
Waimairi District	10
Paparua County	8.5
Akaroa County	3
Amuri County	3
Hurunui County	3
Ashburton Borough	3
Cheviot County	3
Ellesmere County	4.5
Eyre County	4.5
Kaiapoi Borough	4.5
Malvern County	4.5
Mt. Herbert County	4.5
Oxford County	4.5
Rangiora Borough	4.5
Rangiora District	4.5
Wairewa County	4.5
Ashburton County	3