

*Mr Barclay*

**CHRISTCHURCH TOWN HALL BOARD OF  
MANAGEMENT**

[LOCAL]

ANALYSIS

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**A BILL INTITULED**

**An Act to provide for the constitution of the Christchurch  
Town Hall Board of Management**

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

1. **Short Title**—This Act may be cited as the Christchurch  
Town Hall Board of Management Act 1976.

No. 4—1

Price 15c

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Board” means the Christchurch Town Hall Board of Management constituted by this Act:

“Contributing authority” means the Christchurch City Council, the Riccarton Borough Council, the Lyttelton Borough Council, the Heathcote County Council, the Paparua County Council, and the Waimairi County Council. 5

**3. Christchurch Town Hall Board of Management**— 10

(1) There is hereby established a Board to be known as the Christchurch Town Hall Board of Management.

(2) The Board shall be a body corporate with perpetual succession and a common seal, and may purchase or otherwise acquire, take on lease, hold, dispose of, and alienate real and personal property, and sue and be sued, and do and suffer all such acts and things as bodies corporate may lawfully do and suffer. 15

**4. Members of Board**—(1) The Board shall consist of—

(a) Six persons to be appointed by the Christchurch City Council: 20

(b) Two persons to be appointed by the Paparua County Council:

(c) Two persons to be appointed by the Waimairi County Council: 25

(d) Three persons to be appointed by the following contributing authorities, each of which shall appoint one person:

(i) The Heathcote County Council:

(ii) The Riccarton Borough Council: 30

(iii) The Lyttelton Borough Council.

(2) No person shall be appointed to the Board unless he is a member of the contributing authority, or of a district community council of a community within the district of the contributing authority, which intends to appoint him. 35

(3) Every member of the Board shall hold office during the pleasure of the contributing authority which appointed him.

**5. Appointment of members**—(1) On a day not later than the 31st day of January 1978, and on some day after every triennial general election of members of the contributing 40

authorities held after that date (being in each case a day not later than the 31st day of January next following that election), the contributing authorities shall hold meetings which shall proceed to appoint the members of the Board in accordance with section 4 of this Act.

(2) Members of the Board holding office on the date of commencement of this Act shall be deemed to be duly appointed members of the Board and shall continue to hold office until the expiry of the 31st day of January 1978.

10 **6. Term of office of members**—(1) Every member of the Board appointed under section 5 of this Act shall come into office on the 1st day of March 1978, or on the day following that on which he is appointed, as the case may require.

15 (2) Every member of the Board shall, unless he sooner vacates his office under section 7 of this Act, continue in office until his successor comes into office.

20 (3) Every person appointed to fill an extraordinary vacancy in the membership of the Board shall come into office on the day following that on which he is appointed, and shall hold office for the residue of the term for which his predecessor was appointed.

**7. Vacancies**—(1) The office of a member of the Board shall become vacant if he—

25 (a) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board, or dies or is ousted of his office; or

(b) Is absent without leave from four consecutive ordinary meetings of the Board; or

30 (c) Ceases to be a member of the contributing authority which appointed him or ceases to be a member of the district community council the membership of which qualified him for appointment, as the case may be.

35 (2) Every person who does any act as a member of the Board after his office has become vacant under this section, commits an offence and is liable on summary conviction to a fine not exceeding \$100.

(3) Any vacancy occurring under this section shall be deemed to be an extraordinary vacancy.

**8. Filling of extraordinary vacancies**—In the event of an extraordinary vacancy occurring the appropriate contributing authority shall forthwith appoint a member to fill the vacancy.

**9. Ouster of office**—(1) Upon proof in the first instance, by affidavit or otherwise, that any member of the Board is or has become incapable under this Act of holding his office, any Magistrate's Court in the region may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same. 5

(2) If on the return of such summons it appears to the Court, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office, the Court may adjudge such person to be ousted of the same, and such person shall be ousted of office accordingly. 10

(3) In any such proceeding the Magistrate's Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases, and the procedure of the Court shall, so far as applicable, apply generally to proceedings had under this section. 15

(4) No matter in respect of a disputed appointment shall be heard by the Magistrate's Court under this section. 20

(5) If under this section a Magistrate's Court adjudges that any member of the Board be ousted of his office—

(a) The decision shall not take effect until the expiration of the time for appealing against the decision and, in the event of an appeal against the decision, until the appeal is determined; and 25

(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member of the Board during the period of that leave of absence. 30

(6) If any person does any act as a member of the Board while on leave of absence pursuant to subsection (5) of this section, he commits an offence and shall be liable on summary conviction to a fine not exceeding \$100. 35

**10. Chairman and Deputy Chairman**—(1) The Chairman of the Board shall be elected by the Board from among its members at the first meeting of the Board held after the commencement of this Act and thereafter at the first meeting of the Board after every triennial general election of members of the contributing authorities. 40

(2) At every meeting for the election of a Chairman, the Secretary shall preside while the Chairman is being elected or if there is no Secretary, then some person appointed by the Board, not being a member of the Board, shall so preside and  
5 in the case of an equality of votes shall determine the election by lot in such manner as the Board determines.

(3) The Chairman shall come into office on his election and shall hold office until the election of his successor.

(4) The Chairman may resign his office by writing under  
10 his hand delivered to the Secretary, and in such case, or in case of his ceasing from any cause to be a member of the Board, his office shall become vacant, and the Secretary shall forthwith convene a meeting of the Board for the election of a new Chairman.

(5) The Board may from time to time appoint one of its  
15 members to be a Deputy Chairman either for a specified period or until the next meeting of the Board at which a Chairman is elected.

**11. Chairman's allowance—**(1) The Chairman may be  
20 paid, out of the funds of the Board, such annual allowance, not exceeding \$1,000, as may from time to time be fixed by the Board, but no alteration in the amount of the allowance shall take effect during the term of office of the Chairman for the time being.

(2) For the purposes of this section a person who is  
25 re-elected Chairman under section 10 (1) of this Act shall be deemed to be a new Chairman.

**12. Allowances to members—**(1) The Board is hereby  
30 declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951, and there may be paid to members of the Board and of any committee of the Board travelling allowances and expenses in accordance with that Act, which shall apply accordingly.

(2) In addition to the allowances authorised by subsection  
35 (1) of this section, there may be paid, out of the funds of the Board, to each member of the Board, other than the Chairman, for each meeting of the Board or of any committee of the Board attended by him a sum equal to the sum that member would have been entitled to receive from the  
40 contributing authority which appointed him as if such meeting had been a meeting of the contributing authority.

**13. Deputies of members—**(1) A contributing authority may, by resolution, appoint any qualified person to be the deputy of any of its representatives to attend meetings of the Board or of committees of the Board, and to exercise and perform the powers and functions of that representative. Any such appointment may in a like manner be revoked at any time. No person shall be appointed as a deputy of a member of the Board unless he is a member of the same contributing authority as the member of the Board for whom he is acting as deputy. 5 10

(2) In addition to the power contained in subsection (1) of this section, if, by reason of sickness or other unavoidable cause, any member is unable to attend a meeting of the Board, the Mayor or Chairman, as the case may be, of the contributing authority which that member represents may, by writing under his hand, appoint a qualified person to attend that meeting as the deputy of such representative and there to exercise and perform the powers and functions of that representative. 15

(3) No appointment of a deputy and no acts done by him as such, and no act done by the Board while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased. 20

**14. Proceedings not invalid by irregularities, etc.—**No act or proceeding of the Board or of any committee or of any person acting as a member of the Board shall be invalidated by virtue of there being a vacancy in the number of the Board at the time of such act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any person so acting, or that he was incapable of being such a member. 25 30

**15. Meetings of Board—**(1) Meetings of the Board shall be held at such times and places as the Board may from time to time appoint. 35

(2) The Secretary shall give at least 2 clear days' notice in writing to each of the members of the time and place from time to time appointed for holding meetings, and the members shall attend those meetings without further notice of each meeting. 40

(3) A special meeting of the Board shall be a meeting called pursuant to a resolution of the Board, or to a requisition in writing delivered to the Secretary and signed by the Chairman or by not less than 3 members of the Board, specifying  
5 the time and place at which the meeting is to be held and the business to be transacted at the meeting:

Provided that no special meeting shall be held unless at least 2 clear days' notice in writing thereof and of the business to be transacted at the meeting has been given to every  
10 member of the Board.

(4) At every meeting of the Board the quorum shall consist of half the total members of the Board when that number is even, and a majority of the members when that number is odd.

15 (5) A meeting shall be duly constituted if a quorum is present, whether or not any member present is entitled to vote or exercises his vote.

(6) No business shall be transacted at any meeting of the Board unless at least a quorum of members is present for the  
20 whole of the time during which the business is transacted.

(7) The Chairman shall preside at every meeting of the Board at which he is present. If at any meeting of the Board the Chairman is not present, the Deputy Chairman shall preside; and if the Deputy Chairman also is not present or  
25 there is no Deputy Chairman, the members present shall appoint one of their number to preside at that meeting. The Deputy Chairman or person so appointed shall have and may exercise and perform in any such case all the powers and functions of the Chairman for the purposes of the meeting.

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

(9) Every act of the Board and every question before any meeting of the Board shall be done and determined by a  
35 majority of the votes of the members present and voting thereon.

(10) A resolution in writing, signed or assented to by letter or telegram, by all members of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board  
40 duly called and constituted.

(11) Subject to the provisions of this Act, the Board may regulate its procedure in such manner as it thinks fit.

**16. Officers of Board—**(1) The Board may appoint a Secretary, and such other officers or employees as it thinks necessary for the efficient carrying out of its functions under this Act.

(2) One person may hold two or more offices. The Board may, subject to any contract of service, at any time remove, for any reasonable cause, any officer or employee from his office or employment. 5

(3) The Board may pay such salaries and allowances to its officers and employees as it thinks reasonable. 10

(4) The Board may from time to time pay such sum as it thinks fit to any officer of the Board by way of salaries and allowances in respect of his attendance at any conference, meeting, or course of study or training which, in the opinion of the Board, will render him better fitted to carry out his duties for the Board. 15

**17. Committees—**(1) The Board may from time to time appoint a committee or committees, consisting of 2 or more persons, and may from time to time delegate to any such committee any of the powers or functions of the Board. 20

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

(3) Subject to the provisions of this Act, or of any general or special directions of the Board, any such committee may regulate its procedure in such manner as it thinks fit. 25

**18. Functions and powers of Board—**(1) The principal functions of the Board shall be to control, manage, and maintain a Town Hall in the City of Christchurch as authorised by the Christchurch Town Hall Empowering Act 1968. 30

(2) Subject to the provisions of that Act, the Board shall have all such powers, rights, and privileges as may be reasonably necessary or expedient to enable it to carry out its functions, and in particular it may from time to time— 35

(a) Enter into any contract or agreement for the carrying out of the purposes of this Act:

(b) Make provision generally for the administration of this Act:

(c) Purchase or hire any machinery, plant, or appliances which it considers necessary for the more effective carrying out of its functions: 40



- 5 (d) Acquire and hold, for the purposes of this Act, any restaurant licence or theatre licence within the meaning of the Sale of Liquor Act 1962 in respect of the premises known as the Christchurch Town Hall:
- 10 (e) Use the facilities and equipment under its control in such manner as it thinks fit for the purpose of promoting and assisting in the development and carrying on of the arts and educational and cultural pursuits:
- 15 (f) Organise and present concerts and entertainments for the general public or any section of the general public and for that purpose use the facilities and equipment under its control in such manner as it thinks fit:
- 20 (g) Publish or arrange for the publication of such periodicals, pamphlets, or other publications as it considers to be of interest to the general public relative to the administration and affairs of the Board, the facilities offered by the Board, and the concerts and entertainments organised and presented by the Board.

19. **Service of legal proceedings on Board**—Any summons, writ, notice, or other legal proceeding requiring to be served  
25 on the Board may be served by being left at the public office for the time being of the Board or by delivering the same personally to the Chairman or Secretary for the time being of the Board.

20. **Financial provisions**—Notwithstanding anything in this  
30 Act, all money contributed by the contributing authorities under the provisions of the Christchurch Town Hall Empowering Act 1968, all money received or receivable from the operations of the Board, and all money payable by the Board or the contributing authorities, shall continue to be  
35 received, paid, and administered by the Christchurch City Council.

21. **Amendments to other Acts**—(1) Part II of the First  
Schedule to the Public Bodies Contracts Act 1959 is hereby  
40 amended by inserting in its appropriate alphabetical order the following item:

10 *Christchurch Town Hall Board of Management*

“The Christchurch Town Hall Board of Management | 1976, No. 00 (Local)—The Christchurch Town Hall Board of Management Act 1976.”

(2) Part II of the Schedule to the Public Bodies Meetings Act 1962 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The Christchurch Town Hall Board of Management | 1976, No. 00 (Local)—The Christchurch Town Hall Board of Management Act 1976.”

(3) Part II of the First Schedule to the Local Authorities (Employment Protection) Act 1963 is hereby amended by inserting in its appropriate alphabetical order the following item: 5

“The Christchurch Town Hall Board of Management | 1976, No. 00 (Local)—The Christchurch Town Hall Board of Management Act 1976.”

(4) Part II of the First Schedule to the Local Authorities (Members' Interests) Act 1968 is hereby amended by inserting in its appropriate alphabetical order the following item: 10

“The Christchurch Town Hall Board of Management | 1976, No. 00 (Local)—The Christchurch Town Hall Board of Management Act 1976.”

(5) Part II of the First Schedule to the Local Government Act 1974 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The Christchurch Town Hall Board of Management | 1976, No. 00 (Local)—The Christchurch Town Hall Board of Management Act 1976.”

22. **Savings**—Nothing in this Act shall be construed to limit or affect in any way the provisions of the Christchurch Town Hall Empowering Act 1968 or any agreement or agreements made or to be made under that Act. 15