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MUSEUM OF TRANSPORT AND TECHNOLOGY

[PRIVATE]

ANALYSIS

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SCHEDULE

Representatives of Contributing Authorities

A BILL INTITULED

An Act to provide for the maintenance, management, development, ownership, and funding of the Museum of Transport and Technology and its contents

5 WHEREAS:

10 A. The Museum of Transport and Technology, commonly known as MOTAT, opened in 1964 on land leased from the Auckland City Council in the Western Springs Reserve. MOTAT is a charitable trust of technology and transport enthusiasts. The Museum displays New Zealand's and the Auckland region's heritage in these areas of our history. Its core activities are conservation, education, and recreation:

- B. In the 1996/97 financial year MOTAT attracted 182,000 visitors, bringing in \$660,000 in revenue. Over past years it has attracted substantial grants, subsidies, and sponsorship from the Lotteries Board, the ASB Bank Trust, and the Ministry of Education for particular projects. These are in recognition of MOTAT's pre-eminent role in conserving and communicating New Zealand's and the Auckland region's technological heritage and social history. Also in 1996/97 Auckland City provided \$871,000 and Manukau City and North Shore City another \$30,000. However, these sources on their own are not enough to maintain and develop such a major national and Auckland museum and are not sustainable because they are subject to annual budget decisions by the local authorities: 5
- C. The Museum of Transport and Technology Trust Board believes that the time is now urgent and appropriate to provide a statutory basis for the Museum to gain secure funding from all the local authorities in the Auckland region on a basis that takes into account their capital value and population: 15
- D. MOTAT's records of its attendance figures show that it draws its visitors and users comprehensively from right across the Auckland region and all local authority areas. The percentages of people attending a Live Day in January 1997 were: Auckland City 30%, North Shore City 12%, Manukau City 21%, Waitakere City 19%, Papakura District 3%, Rodney District 3%, Franklin District 3%, and outside the region 9%. Market research surveys conducted throughout the region in December 1993 and November 1995 showed overwhelming support for regional funding of MOTAT—83% in 1993 and 87% in 1995: 25
- E. The MOTAT Board believes that in return for providing a secure and fair funding base, all Auckland's local authorities should jointly gain a 50% role in the governance of the Museum through a new Board. Added urgency is provided by the lack of resources facing MOTAT, particularly for collection care and management. Appropriateness is given by the enactment of the Auckland War Memorial Museum Act 1996. That carefully negotiated Act provides the model on which this bill is based: 35
- F. The Museum of Transport and Technology Bill therefore seeks to provide for a Museum of Transport and Technology Board to be made up of 5 appointees of contributing local authorities and 5 appointees of the Museum of Transport and Technology Society. It proposes 40 45

5 clear and appropriate statutory objectives and duties, functions, and powers of the Board. It sets out a process of preparing the annual plan and determining the contribution of each local authority which ensures that the local authority representatives have a casting vote if necessary. It also provides that all contributing local authorities, the MOTAT Society, and the public are fully consulted on the annual plan, and similarly that an annual report on performance is compiled and disseminated widely:

10 G. It is the view of the Museum of Transport and Technology Trust Board that the structure and legislative requirements set out in this bill is the most fair, appropriate, and certain way of securing the survival and effective and efficient development of the Museum of Transport and Technology:

15 H. The objects of this Act cannot be attained otherwise than by legislation:

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

20 **1. Short Title and commencement**—(1) This Act may be cited as the Museum of Transport and Technology Act 1998.

(2) This Act comes into force on 1 November 1998.

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

25 “Annual plan” means the annual plan described in section 20:

“Board” means the Museum of Transport and Technology Board referred to in section 3:

30 “Contributing authorities” means the territorial authorities listed in the first column of the Schedule:

“Director” means the chief executive of the Museum appointed pursuant to section 15:

35 “Electoral College” and “Museum of Transport and Technology Electoral College” means the electoral college of territorial local authority representatives established by section 13:

“Establishment day” means 1 December 1998:

“Financial year” means the period commencing on 1 July and ending with 30 June in any year:

40 “Museum” means the museum known as the Museum of Transport and Technology; and includes the operations, collections, property, and assets belonging to, in the possession of, or undertaken for

that museum both present and future, including those that were, before the coming into force of this Act, owned by the Museum of Transport and Technology of New Zealand Trust Board, together with any other property or rights of any nature whatsoever, whether tangible or intangible, vested in the Museum of Transport and Technology of New Zealand Trust Board: 5

“Society” means the membership body established by section 14. 10

3. Constitution and powers of Board—(1) There continues to be a body corporate to be called the Museum of Transport and Technology Board which is the same body corporate as the trust board at present deemed to be registered under the provisions of the Charitable Trusts Act 1957 and called The Museum of Transport and Technology of New Zealand Trust. 15

(2) The Board ceases from the establishment day to be deemed to be registered under the Charitable Trusts Act 1957; and the Registrar of Incorporated Societies may after the establishment day amend the register established under that Act accordingly. 20

(3) The Board continues to have perpetual succession and a common seal and, for the purpose of its functions under this Act, has and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity. 25

(4) The common seal of the Board must be judicially noted in all courts and for all purposes.

4. Members of Board—(1) The Board consists of 10 members of whom— 30

(a) Five are to be appointed (and reappointed or replaced in accordance with section 5) by the contributing authorities in accordance with section 13:

(b) Five are to be appointed (and reappointed or replaced in accordance with section 5) by the Society in accordance with section 14. 35

(2) The members of the Board appointed pursuant to this section must be persons who, in the opinion of those appointing them, have the management skills, experience, and professional judgment necessary for the carrying out of the Museum’s functions and achievement of the objectives as set out in sections 11 and 12. 40

5 (3) No person who is currently an elected or appointed member of a contributing authority, the principal administrative officer of a contributing authority, an employee of a contributing authority who reports directly to the principal administrative officer, or a member of the Museum staff may be appointed or remain a member of the Board.

10 (4) The first appointments to be made under **paragraph (a) and paragraph (b) of subsection (1)** may be made before the establishment day, but if at least 6 members have been appointed by the establishment day, the powers of the Board are not affected by any failure to appoint the remaining members.

15 (5) The term of office of the existing Trustees of the Museum of Transport and Technology of New Zealand Trust Board ceases on the establishment day or (should fewer than 6 members have been appointed to the Board by the establishment day) on the date by which not less than 6 members have been appointed.

20 **5. Term of office of Board members**—(1) Subject to **subsection (4) and section 6**, every Board member is appointed for a term of 2 years commencing on the expiry of the previous term of appointment to that office.

(2) Every member is eligible for reappointment from time to time.

25 (3) Where the term of appointment of a member expires or ceases, that member, unless sooner vacating or deemed to be removed from office pursuant to **section 6 (1)**, continues to hold office by virtue of appointment for the term that has expired until—

30 (a) That member is reappointed; or

(b) A successor to that member is appointed.

(4) With respect to the first members appointed by the contributing authorities and by the Society, the following provisions apply:

35 (a) Three of the members appointed by the contributing authorities hold office for a term of 1 year and 2 hold office for a term of 2 years:

(b) Two of the members appointed by the Society hold office for a term of 1 year and 3 hold office for a term of 2 years:

40 (c) The term of each of the members so appointed must (unless they otherwise agree among themselves) be determined by lot.

(5) The term of office of Board members appointed pursuant to **section 4 (1)** and to whom **subsection (4)** applies, ends on the first

or second (as the case may be) anniversary of the establishment day.

6. Extraordinary vacancies—(1) The term of appointment of a Board member ceases and the vacancy so created is an extraordinary vacancy if that member—

- (a) Dies or becomes a person referred to in **section 4 (3)**; or
- (b) Is declared bankrupt; or
- (c) Is absent without leave from 2 consecutive meetings of the Board; or
- (d) Resigns office by written notice to the Secretary of the Board (but in that case, if the terms of resignation so permit, the member may continue to hold office until his or her successor is appointed); or
- (e) Is convicted of an offence punishable by a term of imprisonment of 2 years or more; or
- (f) Becomes subject to a compulsory treatment order made under Part II of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or becomes a special patient as defined in section 2 (1) of that Act; or
- (g) Becomes a person in respect of whom an order is made pursuant to the Protection of Personal and Property Rights Act 1988.

(2) An extraordinary vacancy must be filled in the manner in which the appointment to the vacant office was originally made, and the member so appointed holds office only for the residue of the term of the vacating member.

(3) Where an extraordinary vacancy occurs within 6 months before the date fixed for the next appointment to the office vacated, the appointing body may determine that the vacancy will not be filled.

(4) The powers of the Board are not affected by any vacancy in its membership except as provided in **section 4 (4) and 4 (5)**.

7. Meetings of Board and appointment of chairperson and deputy chairperson—(1) The first meeting of the Board must be called by the Director as soon as practicable after the establishment day and must be chaired by the Director until a chairperson is elected from the members of the Board.

(2) At the first meeting of the Board the members must elect from their number a chairperson and a deputy chairperson.

(3) The chairperson and deputy chairperson must be elected annually and may stand for re-election.

(4) The chairperson must preside at all meetings of the Board at which he or she is present and has such other functions, powers, and duties as may be delegated to him or her by the Board from time to time.

5 (5) The deputy chairperson must act in place of the chairperson in any case where the chairperson is absent or for any reason unable to act. In the absence of the chairperson and the deputy chairperson from any meeting the members present must appoint one of their number to be the
10 chairperson of that meeting.

(6) Every question before the Board must be decided in open voting by a majority of the votes recorded on it.

(7) At any meeting of the Board the person presiding has a deliberative vote and, in the case of an equality of votes, also
15 has a casting vote.

(8) Notwithstanding the provisions of **subsections (4) and (5)** or any other provisions of this Act, in the case of all meetings held for the purpose of considering and preparing the draft annual plan, the Board must appoint as chairperson for such meetings
20 a member who is an appointee of the Electoral College.

8. Procedural rules—(1) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(2) The Board must, as soon as practicable, adopt such procedural rules governing its affairs and the conduct of its
25 meetings as it considers appropriate.

(3) Notwithstanding **subsection (2)**, meetings of the Board must be conducted in public unless good grounds exist for excluding the public.

(4) Part VII of the Local Government Official Information and Meetings Act 1987 applies to the Board as if the Board
30 were a local authority subject to that Part.

9. Remuneration of members of Board—(1) Members of the Board may be paid such remuneration as the Board from time to time considers appropriate, but in fixing the level of
35 remuneration the Board must have regard to the public purpose of its functions and the extent of public funding of its activities.

(2) Nothing in **subsection (1)** authorises the Board to pay remuneration to any member of the Board in any financial
40 year of a greater amount than is specified in the annual plan adopted for that financial year.

10. Board established for charitable purposes—(1) The Board and the Society are deemed to be established exclusively for charitable purposes within New Zealand, and all actions carried out by either of them pursuant to this Act are deemed to be carried out exclusively for charitable purposes. 5

(2) Any business carried on by the Board or by the Society is deemed to be carried on exclusively for charitable purposes within New Zealand and not for the pecuniary gain of any person.

11. Objectives—In carrying out its functions under **section 12**, the Board must recognise and provide for, in such manner as it considers appropriate, the following: 10

- (a) The recording and presentation of the history of transport and technology and the effect it has had on the Auckland Region, New Zealand, and, in more general terms, the rest of the world: 15
- (b) Conservation of the heritage of the Museum, the Museum heritage buildings, and its collections:
- (c) Biculturalism and the spirit of partnership and goodwill envisaged by the Treaty of Waitangi: 20
- (d) Education which involves and entertains people to enrich their lives and promote the well-being of society:
- (e) The advancement and promotion of historical and scientific scholarship and research:
- (f) Achievement of customer satisfaction by consultation, responsiveness, and continuous improvement: 25
- (g) Leadership through professionalism, innovation, and co-ordination of effort with relevant organisations:
- (h) Greater financial self-sufficiency through the prudent operation of compatible revenue-producing and fund-raising activities which supplement public funding: 30
- (j) Providing maximum community benefit from the resources available.

12. Duties, functions, and powers of Board—(1) Board members must act at all times in the interests of the Museum rather than in the interests of the body appointing them. 35

(2) The duties, functions, and powers of the Board are—

- (a) To assume or to continue to hold ownership and possession of the Museum and its collections:
- (b) To exercise trusteeship in accordance with the terms of the respective trusts in respect of all assets, ownership of which has previously been vested in the Museum of Transport and Technology of New Zealand Trust 40

Board or which may in the future be vested in the Board, subject to any trust:

- (c) To maintain, manage, and develop adequately the Museum and its collections:
- 5 (d) To take such actions as it considers necessary or desirable to further the objectives set out in **section 11**:
- (e) To develop appropriate sources of income additional to funding by the contributing authorities:
- (f) To support the Society:
- 10 (g) To exercise the power of appointment of a Director in accordance with **section 15**:
- (h) To establish for the guidance of the Director broad lines of policy consistent with the objectives of the Museum and **paragraphs (a) to (g)**:
- 15 (i) To delegate, to committees or members of the Board, the Director, or other persons or bodies, such specific duties as the Board considers are best performed by those committees, persons, or bodies:
- (j) To manage prudently the finances of the Museum.
- 20 (3) The Board has such powers, not inconsistent with this Act, as are reasonably necessary for the effective performance of its functions.
- (4) On and from the establishment day, no person or body other than the Board is responsible for the maintenance,
- 25 management, and development of the Museum.

13. Establishment of Electoral College to make appointments to Board on behalf of contributing authorities—(1) There is an Electoral College to be called the Museum of Transport and Technology Electoral College.

30 (2) The contributing authorities must each appoint and from time to time reappoint to the Electoral College the number of representatives shown opposite their respective names in the third column of the Schedule.

35 (3) Representatives of the contributing authorities on the Electoral College hold office at the pleasure of the contributing authority by which they are appointed.

(4) The contributing authorities must each appoint their representatives, and the Director must call the first meeting of the Electoral College, as soon as practicable after the

40 commencement of this Act.

(5) At its first meeting, the Electoral College must elect a chairperson from its members. The chairperson must preside at all meetings of the Electoral College at which he or she is present. In the absence of the chairperson from any meeting

the representatives present must appoint one of their number to be the chairperson of that meeting.

(6) At any meeting of the Electoral College 7 members form a quorum.

(7) The powers of the Electoral College are not affected by any vacancy in its membership. 5

(8) The Electoral College must make the appointments to the Board required by **sections 4 (1) (a), 5, and 6**. All appointments must be by majority vote and, in the case of an equality of votes, the person presiding has a casting vote as well as a deliberative vote. 10

(9) Subject to the provisions of this Act, the Electoral College may regulate its own proceedings.

14. Establishment of Museum of Transport and Technology Society—(1) There continues to be a membership body called the Museum of Transport and Technology Society which is the same body as the incorporated society at present called The Society of the Museum of Transport and Technology of New Zealand (Incorporated). 15

(2) The Society is a body corporate with perpetual succession and a common seal and, for the purpose of its functions under this Act, has and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity. 20

(3) The objects of the Society are to— 25

(a) Support the Museum in its objectives and functions as specified in **sections 11 and 12**:

(b) Affiliate with other societies, as the Society may from time to time consider appropriate.

(4) The Society must govern its own affairs through a Committee elected in accordance with rules adopted and amended from time to time by the Society. 30

(5) The Society Committee must call for nominations and exercise on behalf of the Society the powers of appointment to the Board conferred by **sections 4 (1) (b), 5, and 6**. 35

(6) The existing rules of the Society remain in force until amended, except to the extent that they are inconsistent with the provisions of this Act.

15. Director—(1) The Board must appoint a Director who will be the chief executive of the Museum. 40

(2) The Board must, in making any appointment under **subsection (1)**, have regard to the need to appoint a person who—

- (a) Can discharge the specific responsibilities placed on the appointee; and
- (b) Will imbue the paid and unpaid employees of the Museum with a spirit of service to the community; and
- 5 (c) Will promote efficiency in the Museum; and
- (d) Will be a responsible manager; and
- (e) Will maintain appropriate standards of integrity and conduct among the paid and unpaid employees of the Museum; and
- 10 (f) Will ensure that the Museum is a good employer; and
- (g) Will promote equal employment opportunities.
- (3) The Director must be appointed for a term of not more than 5 years, but is eligible for reappointment from time to
- 15 time.
- (4) The existing Museum manager continues in office and carries out all of the functions and responsibilities of the Director until the Director is appointed.

16. Responsibilities of Director—The Director is responsible to the Board for—

- (a) Employing, on behalf of the Board, staff of the Museum and negotiating their terms and conditions of employment:
- 25 (b) Implementing the decisions of the Board and ensuring that the affairs of the Board are conducted in a transparent and accountable manner:
- (c) Providing services and advice to members of the Board:
- (d) Ensuring the effective, efficient, and economic management of the activities and planning of the Board in accordance with the objectives set out in
- 30 **section 11:**
- (e) Ensuring that obligations imposed by the Treaty of Waitangi as they affect the Museum are taken into account:
- 35 (f) Carrying out such other functions as may be delegated to him or her by the Board:
- (g) Maintaining liaison with, and giving administrative support to, the Electoral College.

17. General employment principles—(1) The Board must adopt, and the Director must implement, a personnel policy that complies with the principle of being a good employer.

(2) For the purposes of this section, a “good employer” is an employer who operates a personnel policy containing

provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—

- (a) Good and safe working conditions; and
 - (b) An equal employment opportunities programme; and 5
 - (c) The impartial selection of suitably qualified persons for appointment; and
 - (d) Recognition of—
 - (i) The aims and aspirations of Maori people; and
 - (ii) The employment requirements of Maori 10 people; and
 - (e) Opportunities for the enhancement of the abilities of individual employees; and
 - (f) Recognition of the aims and aspirations and the cultural differences of ethnic or minority groups; and 15
 - (g) Recognition of the employment requirements of women; and
 - (h) Recognition of the employment requirements of persons with disabilities.
- (3) In addition to the requirements specified in **subsections (1) and (2)**, the Board and the Director must ensure that all employees maintain proper standards of integrity, conduct, and concern for the public interest. 20

18. Transfer of existing employees—(1) All persons who, immediately before the establishment day, were employed by the Museum of Transport and Technology of New Zealand Trust Board, on the establishment day transfer to or continue in the employment of the Board on the same terms and conditions, including preservation of continuity of service and the rights which arise in respect of length of service. 25 30

(2) For the avoidance of doubt, it is declared that no person to whom **subsection (1)** applies is entitled to receive any payment or other benefit by reason only of the operation of **subsection (1)**.

19. Continuity of Board's rights and obligations—
(1) Subject to **subsection (3)**, ownership and possession of the Museum, by operation of this Act, vests or continues to vest in the Board on and after the establishment day. 35

(2) On and after the establishment day the Board has or continues to have, and is responsible for, all rights and obligations which previously reposed in the Museum of Transport and Technology of New Zealand Trust Board in respect of the property and rights described in **subsection (1)**. 40

(3) Every appointment of the Museum of Transport and Technology of New Zealand Trust Board as beneficiary, trustee, custodian, or guardian of any collections, gifts, bequests, or cultural or historical property of any kind, or as agent or as a fiduciary in any capacity, whether by will or other instrument or by statute, on the establishment day vests or continues to vest in and is deemed to be an appointment of the Board; and the Board has the rights, powers, capacities, authorities, duties, liabilities, and obligations of the Museum of Transport and Technology of New Zealand Trust Board in respect of and arising from every such appointment.

(4) The vesting of all property or rights of any nature, whether tangible or intangible, in the Board pursuant to this section is not a disposition of property for the purposes of the Estate and Gift Duties Act 1968, or a conveyance for the purposes of the Stamp and Cheque Duties Act 1971, or a disposal or disposition for the purposes of section EG 19 of the Income Tax Act 1994.

(5) The vesting of all property or rights of any nature, whether tangible or intangible, in the Board pursuant to this section is charged with goods and services tax at the rate of 0%.

(6) Nothing in this Act—

(a) Has the effect of placing the Board or any other person in breach of contract or breach of trust or otherwise in breach of any civil obligation; or

(b) Gives rise to a right for any person (including the Crown) to terminate or cancel any contract or arrangement or to accelerate the performance of any obligation; or

(c) Releases any surety (including the Crown) wholly or in part from all or any obligation; or

(d) Invalidates or discharges any contract or security (including any contract or security to which the Crown is a party); or

(e) Places the Museum of Transport and Technology of New Zealand Trust Board, the Board, or any other person (including the Crown) in breach of any contractual provision prohibiting, restricting, or regulating the assignment or transfer of any property or disclosure of any information.

(7) The resolutions, acts, and omissions of the Museum of Transport and Technology of New Zealand Trust Board before the establishment day are deemed to be resolutions, acts, and omissions of the Board.

- 20. Annual plan**—(1) The Board must prepare for each financial year a draft annual plan, which must outline in particular terms for the financial year to which the plan relates, and in general terms for each of the following 2 financial years,— 5
- (a) Subject to **section 11**, the intended significant policies and objectives of the Board; and
 - (b) The nature and scope of the significant activities to be undertaken; and
 - (c) The performance targets and other measures by which performance may be judged in relation to the objectives; and 10
 - (d) The indicative costs of the activities of the Board; and
 - (e) The sources of funds for those activities; and
 - (f) The details of any proposed charges to be made for access to any part or parts or service or services of the Museum; and 15
 - (g) The indicative amount of the levy which is proposed under **section 21**; and
 - (h) The maximum remuneration payable by the Board during the financial year to any member of the Board pursuant to **section 9 (2)**. 20
- (2) During the preparation of, and before the publication of, the draft annual plan, the chairperson of the Board must meet with the chairperson of the Electoral College as often as may be necessary to determine if aspects of the annual plan, including the amount of the proposed levy, should be referred to a meeting or meetings of the Electoral College, either jointly with the Board or separately, for consideration before the draft annual plan is published. 25 30
- (3) The draft annual plan must include an explanation of any significant changes between the policies, objectives, activities, and performance targets proposed in the draft annual plan and those specified in the annual plan adopted for the immediately preceding financial year. 35
- (4) The draft annual plan must, immediately after it has been prepared to the satisfaction of the Board, be made available to the general public and forwarded to each of the contributing authorities and the Society.
- (5) Any person, including any contributing authority, the Society, and the Electoral College, may, within 1 month after publication of the draft annual plan, make a written submission to the Board in relation to any matters contained in the draft annual plan. 40

- (6) Where any contributing authority makes a submission under **subsection (5)**, that authority must also send a copy of that submission to the Electoral College.
- 5 (7) The Board must give to every person making a submission under **subsection (5)** a reasonable opportunity to appear and be heard in relation to that submission.
- 10 (8) Subject to **section 8 (3)**, every meeting of the Board (or of any committee of the Board) at which submissions are heard, or at which the Board deliberates, on the proposed annual plan must be open to the public.
- 15 (9) After considering the submissions and making such modifications to the draft annual plan as the Board may consider appropriate in the light of the submissions, the Board must refer the draft annual plan to the Electoral College for approval of the levy.
- 20 (10) If the Board and the Electoral College cannot reach agreement on the amount of the levy, the dispute must be referred to an independent arbitrator appointed by them both (or by the Minister of Local Government if they are unable to agree on the person to be appointed), who will determine the levy taking into account the minimum obligations placed on the Board by this Act and the submissions of both parties, and the levy so determined is the levy to be made for that financial year under **section 21 (1)**.
- 25 (11) Every determination pursuant to **subsection (10)** must be made in time for the Board to comply with its responsibilities under **section 21 (5)** on or before 30 April immediately preceding the commencement of the financial year to which the levy relates and the Board and the Electoral College must comply
- 30 with the requirements of **subsections (1) to (10)** by such dates as will enable the requirements of this subsection to be met.
- 35 (12) After approval of the levy (either in the amount stipulated in the draft annual plan referred to the Electoral College under **subsection (9)** or in such other amount as may subsequently be agreed upon between the Board and the Electoral College) or determination of the levy pursuant to **subsection (10)**, the Board must adopt the draft annual plan as referred to the Electoral College under **subsection (9)**, subject to any modifications required by any difference in the amount of
- 40 the levy agreed with the Electoral College or determined pursuant to **subsection (10)**.
- (13) The annual plan must be adopted by the Board no later than 30 April immediately preceding the commencement of the financial year to which the annual plan applies.

(14) Where the Board adopts an annual plan under this section, it must—

- (a) Make that annual plan available for public inspection at its office; and
- (b) Within 20 days of its adoption, send copies of the annual plan to each contributing authority and the Society. 5

21. Contributions by local authorities to Museum funding—(1) Subject to the provisions of **subsection (7)**, the Board may, for each financial year, for the purposes of funding its activities (including maintenance, operations, and development) under this Act, by resolution make a levy against the contributing authorities of such amount and in such manner as is authorised or is required by this Act. 10

(2) The total amount of the levy against each contributing authority must not exceed in any year $\frac{1}{300}$ in the dollar on the total capital value of rateable property in its district (adjusted in accordance with **subsection (3)**) plus 1.5c per person of the population of its district (adjusted in accordance with **subsection (3)**). 15

(3) An adjustment of the capital value of rateable property and of the population of the district of each contributing authority, each calculated in accordance with **subsection (4)**, must be made by multiplying that capital value and that population by the differential factor shown opposite their respective names in the second column of the Schedule. 20 25

(4) For the purposes of this section,—

(a) The capital value of rateable property within the district of each contributing authority is deemed to be the capital value of that property as at a date as near as is reasonably practicable to the last day of the financial year preceding by 1 year the financial year in respect of which the levy is to be made, such value being determined under the Valuation of Land Act 1951 and certified as correct by the Valuer-General who must (without further direction) apply the provisions of Part XIV of the Rating Powers Act 1988: 30 35

(b) The population of the district of each contributing authority is deemed to be that which is ascertained or calculated by the Government Statistician as at a date as near as is reasonably practicable to the last day of the financial year preceding by 1 year the financial year in respect of which the levy is to be made, and a certificate by the Government Statistician is conclusive evidence in that respect. 40

(5) The Board must, in the resolution referred to in subsection (1), or, if the levy is fixed by arbitration, in a separate resolution for that purpose, fix the amount to be levied against each of the contributing authorities, and a copy of the resolution must be forwarded to each of the contributing authorities on or before 30 April preceding the financial year in respect of which the levy is made. The relevant amount so levied is due and payable by each contributing authority on 1 July next following, and must be paid out of the general revenues of the contributing authority.

(6) If the district of a contributing authority is altered as the result of its total or partial absorption by any other local authority (whether or not that local authority is a contributing authority) or as the result of the contributing authority absorbing the whole or part of the district of any other local authority (whether or not that local authority is a contributing authority) or as the result of the amalgamation of a contributing authority with any other local authority (whether or not that local authority is a contributing authority) or as the result of the division of a contributing authority into 2 or more local authorities, the area that was previously subject to a levy in terms of this Act continues to be so subject, but upon the following terms and conditions:

(a) The area or areas previously subject to the levy continue to be so subject and the differential factor previously applicable continues to apply unless an area is absorbed into the district of another contributing authority, in which case the differential factor applicable to the latter applies to the area for the year after the happening of that event and later years:

(b) No account is taken of the fact that the circumstances of this section may result in part only of the district of a local authority being levied:

(c) Nothing in paragraphs (a) and (b) enables the Board to impose a levy upon any area that, at the date on which this Act comes into force, is outside the districts of the contributing authorities:

(d) Notwithstanding the provisions of paragraphs (a) and (b), the Local Government Commission may, in the exercise of its jurisdiction in regard to the constitution, alteration, union, or abolition of the district of a territorial authority, review the effect of the said paragraphs upon the matter before it, and make such other provision in that behalf and for such period as it may think appropriate.

(7) The Board must not make any levy under this section until the annual plan for that financial year has been adopted under **section 20 (13)**.

22. Separate rate—For the purposes of section 16 of the Rating Powers Act 1988, the payment of any levy under **section 21 (5)** is deemed to be a contribution to a service for the benefit of the whole district of the contributing authority. 5

23. Members of Board not personally liable—(1) No member of the Board is personally liable for any act done or default made by the Board or any member of the Board in good faith in the course of the operations of the Board. 10

(2) No person incurs personal liability as a result of having joined in or acted on any resolution of the Museum of Transport and Technology of New Zealand Trust Board made before the establishment day in any circumstances in which the person would not incur personal liability in joining in or acting on any resolution of the Board. 15

24. Audit and accounts—(1) An auditor must be appointed by the Board on the recommendation of the Electoral College.

(2) The provisions of section 223F of the Local Government Act 1974 apply to the Board as if it were a local authority constituted under that Act. 20

25. Annual report—(1) The Board must prepare and adopt, in respect of each financial year, a report assessing the performance of the Board against the policies, objectives, activities, performance targets, indicative costs, and sources of funds specified in the annual plan adopted in respect of that financial year under **section 20**. 25

(2) The report adopted under **subsection (1)** must contain audited financial statements for the year consisting of— 30

(a) A statement of financial position; and

(b) An overall operating statement; and

(c) A statement of cash flows; and

(d) Such other statements as may be necessary to fairly reflect the financial position of the Board, the resources available to it, and the financial results of its operations. 35

(3) The report adopted under **subsection (1)** must contain—

(a) The auditor's report—

(i) On the financial statements specified in **subsection (2)**; and 40

(ii) On the performance targets and other measures by which performance has been judged in relation to the objectives; and

5 (b) Such other information as is necessary to enable an informed assessment of the operations of the Board for the financial year and the projected performance of the Board for the financial year as set out in the plan adopted in respect of the financial year under **section 20**.

10 (4) The report referred to in **subsection (1)** must be adopted before the end of the fifth month after the close of the financial year to which it relates.

(5) Where the Board adopts a report under this section, it must—

15 (a) Make that report available for public inspection at its office; and

(b) Within 20 working days of its adoption, send copies of the report to each contributing authority and the Society.

20 **26. Contributing authorities to report on involvement**—Each contributing authority must include in its annual report prepared under section 223E of the Local Government Act 1974, in respect of each financial year, information concerning its involvement with, and its financial contributions to, the Board.

25 **27. Registers**—(1) No Registrar of Deeds or District Land Registrar or other person charged with the keeping of any books or registers is obliged solely by reason of this Act to change the name of the Board in those books or registers or in any document.

30 (2) The presentation to any such Registrar or person of any instrument, whether or not comprising an instrument of transfer by the Board,—

(a) Executed or purporting to be executed by the Board; and

35 (b) Relating to the property, rights, and appointments defined in **section 19 (1), (2), and (3)**; and

(c) Containing a recital that the name of the Board has been changed by virtue of this Act or, as the case may require, that the property, rights, or appointments concerned have vested in the Board by virtue of this Act—

40 is, in the absence of proof to the contrary, sufficient evidence that the name of the Board has been changed or that the

property, rights, or appointments referred to in that instrument is or are vested in the Board.

(3) Except as provided in this section, nothing in this Act derogates from the provisions of the Land Transfer Act 1952.

(4) The Registrar of a register relating to property or rights which is transferable only in books kept by a company or in a manner directed by or under an Act must, on written application under the seal of the Board, register the Board in its new name as the holder of that property or right. 5

28. Interim control—Between the coming into force of this Act and the establishment day, the Museum of Transport and Technology of New Zealand Trust Board continues to be responsible for the Museum. 10

29. Private Act—This Act is a private Act.

SCHEDULE

Sections 2, 13 (2), 21 (3)

REPRESENTATIVES OF CONTRIBUTING AUTHORITIES

Name of Contributing Authority	Differential Factor	Members of Electoral College
Rodney District Council	0.6	1 appointee
North Shore City Council	1.0	2 appointees
Waitakere City Council	1.0	2 appointees
Auckland City Council	1.0	3 appointees
Manukau City Council	1.0	3 appointees
Papakura District Council	1.0	1 appointee
Franklin District Council	0.6	1 appointee