

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 8 September 1955

Words struck out by Local Bills Committee are shown in italics within bold brackets or in roman enclosed in panel; words inserted are shown in black or in roman with rule down side.

Mrs McMillan

OTAGO MUSEUM TRUST BOARD

[LOCAL BILL]

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A BILL INTITULED

AN ACT to set up a Board of Trustees, to be called the Title.
Otago Museum Trust Board, to control the Otago
Museum, to vest the museum and the control thereof in
5 the Board, and to make provisions for the finances and
administration of the Board.

WHEREAS the Otago University Council has for many Preamble.
years past owned and controlled the Otago Museum,
without the museum being a charge on public funds:

10 AND WHEREAS the museum is a provincial institution
of increasing importance and it is desirable that the
responsibility for its maintenance and development
should be more widely shared:

No. 53—2

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

- Short Title. 1. This Act may be cited as the Otago Museum Trust Board Act 1955. 5
- Commencement. 2. Section *four* of this Act shall come into force on the passing of this Act, and the remaining sections of this Act shall come into force on the first day of April nineteen hundred and fifty-six.
- Otago Museum Trust Board. 3. (1) There is hereby established a Board, to be called the Otago Museum Trust Board. 10
- (2) The Board shall consist of—
- (a) Three members to be appointed by the Dunedin City Council:
- (b) One member to be elected by the Councils of the Boroughs first mentioned in the *First* Schedule to this Act: 15
- (c) One member to be elected by the Councils of the Boroughs secondly mentioned in the *First* Schedule to this Act: 20
- (d) Two members to be elected by the Councils of the Counties mentioned in the *First* Schedule to this Act:
- (e) Two members to be appointed by the Council of the University of Otago: 25
- (f) One member to be appointed by the Otago Branch of the Royal Society of New Zealand:
- (g) One member to be appointed by the Association of Friends of the Otago Museum, Incorporated:
- (h) One member to be appointed by the Education Board of the District of Otago. 30
- (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. 35
- (4) The Board is hereby declared to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act 1954 and the Local Government Loans Board Act 1926. 40

4. (1) The first members of the Board to be appointed and elected under subsection *two* of the *last preceding* section shall be appointed and elected by the local authorities and bodies therein referred to not later than the thirty-first day of March, nineteen hundred and fifty-six, and the provisions of subsection *two* of the *next succeeding* section as to the election of subsequent members of the Board by the local authorities mentioned in paragraphs (*b*), (*c*), and (*d*) of subsection *two* of the *last preceding* section shall apply to the first election:

First members of Board.

Provided that the returning officer for the first election shall be the Registrar of the University of Otago.

(2) The first members of the Board shall come into office on the first day of April, nineteen hundred and fifty-six.

5. (1) Within four months after **triennial** general elections of members of the Councils of boroughs and counties are held under the Local Elections and Polls Act 1953—

Subsequent members of Board.

(a) The Dunedin City Council shall appoint three persons to be members of the Board:

(b) The Councils of the Boroughs first mentioned in the *First Schedule* to this Act shall elect one person to be a member of the Board:

(c) The Councils of the Boroughs secondly mentioned in the *First Schedule* to this Act shall elect one person to be a member of the Board:

(d) The Councils of the Counties mentioned in the *First Schedule* to this Act shall elect two persons to be members of the Board:

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

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

(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:

(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 sent by post to each local authority concerned by the returning officer not less than two calendar months prior to such date and shall be deemed to have been received in due course of post, and the notice shall specify a day (not earlier than one calendar month 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 local authority concerned shall have one vote which shall be exercised in accordance with a resolution of the local authority by the completion under the seal of the local authority of a voting paper provided by the Board: 15
- (f) The candidate in respect of the election by the Councils of the Boroughs first mentioned in the *First* Schedule to this Act, the candidate in respect of the election by the Councils of the Boroughs secondly mentioned in the said *First* Schedule, and the two candidates in respect of the election by the Councils of Counties mentioned in the said *First* Schedule who receive the greatest number of votes at each election shall be declared elected: 20
- (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: 25
- (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 the nominations declare the candidates nominated to be duly elected: 30
- (i) The Board may make such regulations as it shall think fit (not being inconsistent with this Act) in respect in any matters relating to the conduct of the election which are not herein provided for. 35 40

(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.

5 6. (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 of the Board.

Appointment, election, and resignation of members of Board.

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

10 (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:

15 Provided that in any case where the casual vacancy occurs within four months before the date fixed for the next triennial general election of members of Councils of Boroughs and Counties under the Local Elections and Polls Act 1953 the Board may decide either to fill such vacancy in manner hereinbefore provided or not to fill such vacancy.

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

25 7. (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.

30 (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 for that meeting.

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

35 (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.

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

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

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

- Committees. 8. (1) The Board may from time to time appoint committees consisting of two or more persons, and may refer to any such committees any matters for consideration or inquiry or management or regulation, and may delegate to any such committee any of the powers and duties by this Act conferred upon the Board except the power to borrow money, levy a contribution, make a by-law, enter into a contract, or institute an action. 5
- (2) It shall not be necessary that any person appointed to be a member of a committee under this section shall be a member of the Board. 10
- (3) The Board may at any time and from time to time discharge, alter, continue, or reconstitute any committee, or discharge any member of a committee and if it thinks fit appoint another member in his stead. 15
- (4) Every committee shall, unless sooner discharged by the Board, be deemed to be discharged on the coming into office of the members of the Board appointed or elected after the general election of members of the Councils of boroughs and counties next after the appointment of the committee. 20
- Vesting of museum site. 9. (1) On the first day of April, nineteen hundred and fifty-six, the vesting in the University of Otago of the land described in the *Second* Schedule to this Act shall be deemed to be cancelled, and the said land shall, as on and from that day, be deemed to be vested in the Board, which shall hold such land in trust for a museum. 25
- (2) The District Land Registrar for the Land Registration District of Otago 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. 30
- Transfer of other assets. 10. All other assets of the Otago Museum as shown in the accounts of the University of Otago as at the thirty-first day of March, nineteen hundred and fifty-six, shall by virtue of this Act vest in the Board on the first day of April, nineteen hundred and fifty-six. 35
- Transfer of obligations, etc. 11. (1) All obligations, engagements, and liabilities of the University of Otago in respect of the museum shall by virtue of this Act be obligations, engagements, and liabilities of the Board: 40
- Provided that nothing in this Act shall be so construed as to affect in any way the rights of any creditor.
- (2) The Board shall indemnify the University of Otago against all its liabilities in respect of the Museum. 45

12. The Board shall have full powers of management and control of the museum, and all the functions, powers, and authorities vested in or which might lawfully be exercised before the coming into force of this Act by the University of Otago in relation to the museum shall by virtue of this Act be vested in and may be lawfully exercised by the Board.

Functions and powers of Board.

13. Subject in all respects to the controlling authority of the Board and to such financial and other arrangements as may be made between the Board and the University of Otago, the said University shall continue to be entitled at all times to use the museum and the lecture rooms and laboratories attached thereto or used in connection therewith and also the exhibits and collections contained therein for the purpose of teaching and demonstration in the subjects of Arts and Science and shall at any time be entitled to remove from the museum building any equipment belonging to the said University.

Use of museum by University.

14. The University of Otago shall be entitled as heretofore at all times to house the Hocken Library Collection in the museum building and to have free and uninterrupted access at all reasonable times to such library, and shall be entitled at any time to remove the said Hocken Library Collection and all equipment used in connection therewith from the museum building, and shall while the said Hocken Library Collection shall remain therein continue as heretofore to contribute toward the cost of maintenance of the portion of the museum building in which it is housed such a proportion of the said cost as shall be agreed upon between the Board and the said University.

Housing of Hocken Library.

15. (1) The Board may in any 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 Dunedin and the Boroughs and Counties mentioned in Column one of the *First* Schedule to this Act (herein referred to as the contributing authorities) of such amount as may by resolution be fixed by the Board, but not during the financial years commencing on the first day of April, nineteen hundred and [fifty-five,] fifty-six, and the first day of April, nineteen hundred and [fifty-six,] fifty-seven, exceeding the equivalent of one sixty-fifth of a penny and not thereafter exceeding one fiftieth of a penny in the pound of the capital value of all rateable property within the districts of all the contributing authorities.

Levy on local authorities.

(2) For the purposes of this section, the capital value of rateable property shall be deemed to be the capital value thereof as on the thirty-first day of March preceding the financial year in which the levy is made, such value being determined under the Valuation of Land Act 1951 and certified as correct by the Valuer-General. 5

(3) The levy made under subsection *one* of this section shall be apportioned amongst the contributing authorities in manner following:

(a) An adjusted capital value of all rateable property 10
in the district of each contributory authority shall be computed by multiplying the capital value of all rateable property in such district by the differential factor appropriate to that contributing authority and shown opposite the 15
name of such contributing authority in column two of the *First Schedule* to this Act:

(b) The total amount of the levy made by the Board shall be apportioned between the contributing authorities in the proportion that the adjusted 20
capital value of rateable property within the district of each contributing authority bears to the adjusted capital value of all rateable property within the districts of all the contributing 25
authorities.

(4) The Board shall in the resolution referred to in subsection *one* of this section fix the amount to be levied against each of the contributing authorities, and a copy of such resolution shall be forwarded to each of the contributing authorities on or before the [*thirtieth day of April*] **thirty-first day of May** in each year. 30

Time of
payment of
contribution.

16. (1) All such amounts shall be payable by the contributing authorities by equal half-yearly instalments on the thirty-first day of July and the thirty-first day of January in each financial year, the first instalment being payable 35
on the thirty-first day of July, nineteen hundred and fifty-six, and every such instalment shall be due on the day on which it is payable.

(2) If in any financial year the Board is unable for any reason to pass a resolution fixing the amount of the levy 40
and to forward copies of such resolution to the contributing authorities on or before the thirtieth day of April in that year as hereinbefore provided, each contributing authority shall pay to the Board on the thirty-first day of 45
July in that year an amount equal to half the amount

payable by it for the previous financial year, and shall on the thirty-first day of January following pay to the Board an amount equal to the difference between the amount so paid and the total amount levied against it for that financial year.

5 17. Every contributing authority liable to pay any contribution under the foregoing provisions of this Act may pay the same out of its ordinary funds or may if it thinks fit, in addition to its other rating powers, raise the required amount by a rate to be made and levied under the Rating Act 1925 for that purpose.

Contribution may be paid out of ordinary funds or raised by a rate.

10 18. (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 debentures, and no mortgage or charge, shall contain or imply any power of sale of any land which the Board has no power to sell.

Borrowing powers of Board.

15 (2) 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:

Provided that the Board shall not be entitled to make or levy a special rate as security for any special loan.

20 30 19. (1) All money belonging to the Board amounting to five pounds and upwards shall, within seven days after it has 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 withdrawals of Board money.

35 (2) No money shall be withdrawn from the bank except by authority of the Board, and any cheque or other withdrawal notice shall be signed by the Treasurer or other officer of the Board appointed for the purpose and countersigned by a member [*or an officer*] of the Board authorized by the Board from time to time so to do.

New

40 19A. (1) The Board may, pursuant to a resolution in that behalf, establish an Imprest Account, which shall be kept at such bank as the Board from time to time appoints.

Board may establish an Imprest Account.

New

(2) The Imprest Account may be held jointly in the names of and be operated on by the Treasurer or other approved officer of the Board and one other person to be appointed in that behalf by the Board, or may, with the express approval in writing of the Audit Office but not otherwise, be in the sole name of and be operated on by the Treasurer or other approved officer of the Board. Where the Imprest Account is held jointly in the names of the Treasurer and of one other person as aforesaid, such last mentioned person shall be either a responsible officer of the Board or a member of the Board.

(3) The Board shall from time to time by resolution fix the maximum amount that may be held at any time in the Imprest Account, not exceeding seventy-five pounds in any case where the Imprest Account may be operated on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case.

(4) Money in the Imprest Account shall be available only for the payment of wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to the Board for approval at its first ordinary meeting thereafter. The payment of money out of the Imprest Account for any purpose not hereby authorized shall be deemed to be the misappropriation of the funds of the Board.

(5) The provisions of section *nineteen* of this Act shall be read subject to the provisions of this section.

Struck out

Travelling allowances.

20. There may be paid to the Chairman and to the members of the Board or of any committee thereof remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

New

Remuneration of Chairman and travelling allowances to members.

20A. (1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) The Board may pay to the Chairman of the Board remuneration by way of fees, salary, or allowances in accordance with the Fees and Travelling Allowances Act, and the provisions of that Act shall apply accordingly.

New

5 (3) The Board may pay to the Chairman and to the members of the Board or of any committee thereof travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

10 21. 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 cent of the gross receipts of the Board for that year, nor in any case to more than one hundred pounds.

Unauthorized expenditure.

15 22. The costs incurred by the University of Otago 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.

Costs of promotion of Act.

20 23. (1) The Audit Office shall be the auditor of the Board and shall have the same duties and powers in respect of the money and accounts of the Board and of every person dealing therewith as if the Board were a local authority within the meaning of section eighty-seven of the Public Revenues Act 1953.

Accounts to be audited by Audit Office.

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

30 24. (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. Any person so appointed may hold or may be appointed to an office under the control of the University of Otago.

Appointment of Officers.

(2) One person may hold two or more of such offices.
(3) Any officer or servant of the Board may be at any time removed from office by the Board.

40 (4) The Registrar for the time being of the University of Otago shall be the first Secretary of the Board.

25. The Board shall be deemed to be a local authority for the purposes of the National Provident Fund Act 1950 and section six of the Finance Act (No. 2) 1941.

Superannuation and other benefits for employees.

Schedules.

SCHEDULES

FIRST SCHEDULE

THE contributing authorities shall be those named in column one hereof, and the differential factor appropriate to each contributing authority shall be that set opposite its respective name in column two hereof:

<i>Column One</i>	<i>Column Two</i>
Name of Authority	Differential Factor
CITY—	
Dunedin City Council	1.0
BOROUGHS—	
<i>First—</i>	
St. Kilda	1.0
Green Island	1.0
West Harbour	1.0
Port Chalmers	1.0
Mosgiel	1.0
<i>Secondly—</i>	
Waikouaiti	0.9
Palmerston	0.8
Milton	0.8
Kaitangata	0.7
Balclutha	0.7
Lawrence	0.7
Hampden	0.7
Oamaru	0.6
Roxburgh	0.5
Tapanui	0.5
Naseby	0.5
Alexandra	0.4
Cromwell	0.4
COUNTIES—	
Peninsula	0.8
Taieri	0.7
Waikouaiti	0.7
Waihemo	0.6
Bruce	0.6
Clutha	0.5
Tuapeka	0.5
Waitaki	0.4
Maniototo	0.3
Vincent	0.2

SECOND SCHEDULE

ALL that area of land containing one acre, two roods, eleven perches and twenty-nine one hundredths of a perch, more or less, situated in the City of Dunedin, being allotment 2 on plan deposited in the Lands Registry Office at Dunedin as No. 8361, and being sections 25, 26, 35, and 36, and part sections [27, 28, and 34, Block XXIX.] 24, 27, 28, 34, and 37, Block XXIX, Town of Dunedin.

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