

[AS REPORTED FROM THE COMMITTEE ON THE BILL]

House of Representatives, 26 July 1974.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr May

QUEEN ELIZABETH THE SECOND ARTS COUNCIL OF NEW ZEALAND

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A BILL INTITULED

An Act to consolidate and amend the Queen Elizabeth
the Second Arts Council of New Zealand Act 1963

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

1. Short Title and commencement—(1) This Act may be
cited as the Queen Elizabeth the Second Arts Council of
New Zealand Act (1973) 1974.

(2) This Act shall come into force on a date to be 10
appointed by the Governor-General by Order in Council.

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

Struck Out

“Arts” includes cultural work: 15

New

“Arts” include crafts and other forms of cultural
expression:

“Chairman” means the Chairman of the Queen
Elizabeth Arts Council: 20

“Community Arts Council” means a body for the time
being designated as a Community Arts Council
under section 32 of this Act:

“Deputy Chairman” means the Deputy Chairman of
the Queen Elizabeth Arts Council: 25

“Educational body” means—

- (a) The Department of Education, or any
Education Board or school committee within the
meaning of section 2 of the Education Act 1964; or
- (b) The governing body of any University or 30
University College of Agriculture within the
meaning of section 2 of the Universities Act 1961; or
- (c) The governing body of any teachers college
established pursuant to section 106 of the Education
Act 1964, or of any technical institute, secondary 35
school, or primary school within the meaning of
section 2 of that Act, or of any institution providing
pre-school education within the meaning of section
2 of that Act:

New

“Financial year” means a period of 12 months ending with the 31st day of March:

5 “Local authority” means a City Council, Borough Council, County Council, or Town Council:

“Minister” means the Minister of Internal Affairs:

“Prescribed” means prescribed by rules:

10 “Queen Elizabeth Arts Council” means the Queen Elizabeth the Second Arts Council of New Zealand referred to in section 3 of this Act:

“Region” means a region established by section 26 of this Act:

“Regional Arts Council” means a Regional Arts Council established under section 27 of this Act:

15 “Rules” means rules made under section 13 of this Act.

Cf. 1963, No. 54, s. 2

PART I

THE QUEEN ELIZABETH THE SECOND ARTS COUNCIL OF
NEW ZEALAND

20 *Constitution*

3. The Queen Elizabeth the Second Arts Council of New Zealand—(1) There shall continue to be a Council, to be called the Queen Elizabeth the Second Arts Council of New Zealand, which shall be a body corporate with perpetual
25 succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, and of suing and being sued, and of doing and suffering all other acts and things that bodies corporate may do and suffer.

30 (2) The Council, after the commencement of this Act, shall consist of the following members:

(a) One person who shall be appointed as Chairman by the Minister:

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35 (b) One person who shall be appointed as Deputy Chairman by the Minister:

(c) Eight persons, being the persons who are for the time being the chairmen of the Regional Arts Councils:

4 *Queen Elizabeth the Second Arts Council
of New Zealand*

New

- (b) Three persons, being the persons who are for the time being the Chairmen of the Regional Arts Councils:
(c) Five other persons who shall be appointed by the Minister:

5

- (d) The Secretary for Internal Affairs:
(e) One person, being a senior officer of the Department of Education who is for the time being approved for that purpose by the Minister of Education:

Struck Out

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- (f) One person, being a member of the Broadcasting Council of New Zealand who is for the time being approved for that purpose by the Postmaster-General.

New

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- (f) One person who shall be appointed by the Minister, being a nominee of the Broadcasting Council of New Zealand and who is for the time being approved for that purpose by the Postmaster-General.

(3) The Council is hereby declared to be the same body corporate as the Queen Elizabeth the Second Arts Council of New Zealand established by the Queen Elizabeth the Second Arts Council of New Zealand Act 1963.

Cf. 1963, No. 54, ss. 3, 4 (1)

Struck Out

25

4. Terms of office of Chairman and Deputy Chairman—

(1) Except as otherwise provided by this Act, the Chairman and the Deputy Chairman shall hold office for terms of 3 years from the dates of their respective appointments, but may from time to time be reappointed.

30

(2) The Chairman and the Deputy Chairman, unless they sooner vacate their offices under section 5 of this Act, shall continue in office until their respective successors come into office.

New

4. **Terms of office of Chairman and members**—(1) Except
as otherwise provided by this Act, the Chairman and all other
appointed members shall hold office for terms of 3 years from
5 the dates of their respective appointments but may from time
to time be reappointed.

(2) The Chairman and all other appointed members, unless
they sooner vacate their offices under section 5 of this Act,
shall continue in office until their respective successors come
10 into office.

(3) Notwithstanding the provisions of subsection (1) of this
section, at the first meeting of the Queen Elizabeth Arts
Council after the coming into force of this Act, it shall be
determined by ballot that of the persons appointed as members
15 under the provisions of paragraph (c) of subsection (2) of
section 3 of this Act, the term of office of 2 members shall
expire 1 year from the dates of their respective appointments,
the terms of office of a further 2 members shall expire 2 years
from the dates of their respective appointments, and the term
20 of office of the remaining member shall expire 3 years from
the date of his appointment.

Cf. 1963, No. 54, s. 5 (1), (3)

5. **Extraordinary vacancies**—(1) The Chairman (*or*
Deputy Chairman) or any appointed member may at any
25 time resign his office by giving written notice to that effect
to the Minister.

(2) The Chairman (*or Deputy Chairman*) or any
appointed member may at any time be removed from office
by the Minister for disability, bankruptcy, neglect of duty,
30 or misconduct, proved to the satisfaction of the Minister.

(3) The Chairman (*or Deputy Chairman*) or any
appointed member shall be deemed to have vacated his office
if he is absent from 3 consecutive meetings of the Council
without its leave.

35 (4) If the Chairman (*or Deputy Chairman*) or any
appointed member dies or resigns, or is removed from office,
or is deemed to have vacated his office, the vacancy thereby
occurring shall be deemed to be an extraordinary vacancy.

40 (5) Every extraordinary vacancy shall be filled by an
appointment made in the same manner as that of the
person whose office has become vacant.

(6) Every person who is appointed to fill an extraordinary vacancy shall be appointed for the remainder of the term for which his predecessor was appointed.

Cf. 1963, No. 54, s. 6

Struck Out

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6. Functions of Deputy Chairman—(1) Except as otherwise provided in this Act, the Deputy Chairman shall perform all the duties and may exercise all the powers of the Chairman during the absence or incapacity of the Chairman or while there is a vacancy in the office of Chairman. 10

(2) No act done by the Deputy Chairman while he is acting as Chairman shall in any proceedings be questioned on the grounds that the occasion for his so acting had not arisen or had ceased. 15

New

6. Deputy Chairman of Council—(1) At the first meeting of the Queen Elizabeth Arts Council after the coming into force of this Act and thereafter at the first meeting of the Council held after the 1st day of April in each year and also at the first meeting of the Council held after the occurrence of a vacancy in the office of the Deputy Chairman, the Council shall elect one of its members to be the Deputy Chairman. Any person so elected shall hold office while he continues to be a member of the Council until the appointment of his successor in accordance with this section and may be reappointed. 20 25

(2) Except as otherwise provided in this Act the Deputy Chairman shall perform all the duties and may exercise all the powers of the Chairman during the absence or incapacity of the Chairman or while there is a vacancy in the office of the Chairman. 30

(3) No act done by the Deputy Chairman while he is acting as Chairman shall in any proceedings be questioned on the grounds that the occasion for his so acting had not arisen or had ceased. 35

Cf. 1963, No. 54, s. 8 (2), (3)

7. Meetings of Queen Elizabeth Arts Council—(1) The Queen Elizabeth Arts Council shall meet at least 4 times in each financial year.

(2) The first meeting of the Council after the commencement of this Act shall be held at a time and place to be determined by the Minister.

(3) Subsequent meetings shall be held at such times and places as the Council or the Chairman from time to time determines.

(4) The Chairman may at any time call a special meeting of the Council.

(5) The Chairman shall call a special meeting of the Council whenever requested in writing by any 3 members to do so.

(6) The Chairman shall cause not less than 7 clear days' notice of every special meeting and of the business to be transacted at that meeting to be given to each member of the Council who is for the time being in New Zealand. No business shall be transacted at the meeting unless it has been specified in the notice.

(7) At any meeting of the Council, 7 members shall be a quorum.

(8) The Chairman shall preside at every meeting of the Council at which he is present.

(9) Where the Chairman is absent from a meeting of the Council—

(a) The Deputy Chairman shall preside if he is present:
or

(b) If the Deputy Chairman is absent, the members present shall appoint one of their number to preside.

New

(9A) In the absence from any meeting of the Council of any person who is a member of the Council by virtue of being the Chairman of a Regional Arts Council, that person may authorise another member of the Regional Arts Council to attend the meeting in his place. While any such authorised person is attending a meeting he shall be deemed for all purposes to be a member of the Council. The fact that any person attends and acts as such a member at any meeting shall be sufficient evidence of his authority to do so in the absence of proof to the contrary.

(9B) In the absence from any meeting of the Council of the Secretary for Internal Affairs, he may authorise another officer of the department to attend the meeting in his place. While any such authorised officer is attending a meeting he shall be deemed for all purposes to be a member of the

New

Council. The fact that any person attends and acts as such a member at any meeting shall be sufficient evidence of his authority to do so in the absence of proof to the contrary.

(10) Every question before the Council shall be decided by a majority of the votes cast by the members present at the meeting. 5

(11) At any meeting of the Council, the Chairman or other person presiding shall have a deliberative vote, and in the case of an equality of votes he shall also have a casting vote. 10

(12) Notwithstanding subsection (10) of this section, a resolution signed or assented to by letter or telegram by all of the members of the Council who are for the time being present in New Zealand shall have the same effect as a resolution duly passed at a meeting of the Council. 15

(13) Subject to the other provisions of this Act and to any rules, the Council may regulate its own procedure in such manner as it thinks fit.

Cf. 1963, No. 54, s. 9 20

8. Committees of Queen Elizabeth Arts Council—

(1) The Queen Elizabeth Arts Council may from time to time appoint—

- (a) An executive committee consisting of the Chairman and the Deputy Chairman and not less than one other member of the Council; and 25
- (b) Special committees for particular purposes, which may consist of any persons, whether or not they are members of the Council.

(2) Subject to any rules, every committee may regulate its own procedure in such manner as it thinks fit. 30

Cf. 1963, No. 54, s. 10 (1), (2), (8)

Functions and Powers

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9. Functions of Queen Elizabeth Arts Council—The Queen Elizabeth Arts Council shall have the following functions: 35

- (a) To encourage, promote, and develop the practice and appreciation of the arts in New Zealand:

Struck Out

- (b) To make accessible to every person in New Zealand, as far as may be practicable, all forms of artistic activity:
- 5 (c) To improve standards of execution of the arts:
- (d) To encourage, promote, and support regional orchestras throughout New Zealand:
- (e) To encourage, promote, and support public interest in the arts in New Zealand:
- 10 (f) To assist the development of the practice and appreciation of the arts as integral aspects of education in New Zealand:
- (g) To co-operate with broadcasting organisations and services in any activities that may facilitate the carrying out of the functions of the Council:
- 15 (h) To give advice to the Minister on any matter relating to or affecting the functions of the Council.

New

- 9. Functions of Queen Elizabeth Arts Council**—The Queen
- 20 Elizabeth Arts Council shall have the following functions:
- (a) To encourage, promote, and support the development of professional standards in the arts in New Zealand:
 - (b) To encourage, promote, and develop the practice and appreciation of the arts in New Zealand, including
 - 25 Maori and Pacific Island arts:
 - (c) To make accessible to every person in New Zealand, as far as may be practicable, all forms of artistic activity:
 - (d) To encourage, promote, and support public interest in
 - 30 the arts in New Zealand:
 - (e) To encourage, promote, and support artistic links with other countries by way of cultural exchanges, and to foster appreciation of the arts as practised in other countries:
 - 35 (f) To co-operate with educational bodies so as to develop the practice and appreciation of the arts as integral aspects of education in New Zealand:
 - (g) To co-operate with broadcasting organisations and services in any activities that may facilitate the carrying out of the functions of the Council:
 - 40 (h) To give advice to the Minister on any matter relating to or affecting the functions of the Council:

New

- (i) To establish and maintain regional offices so as to facilitate the activities of the Regional Arts Councils established under section 27 of this Act.

Cf. 1963, No. 54, s. 12

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10. Powers of Queen Elizabeth Arts Council—(1) The Queen Elizabeth Arts Council shall have all the powers that are reasonably necessary or expedient to enable it to carry out its functions under this Act.

(2) In particular, but without limiting the generality of subsection (1) of this section, the Council may from time to time do all or any of the following things: 10

- (a) Formulate and carry out policies to further and assist the arts generally:
- (b) Make grants, on such conditions as it thinks fit, to any persons to assist them to undertake studies, assignments, or commissions, or to make investigations, or to gain further experience, in respect of matters approved by the Council, whether within or beyond New Zealand: 15 20

Struck Out

- (c) Make grants or pay subsidies, on such conditions as it thinks fit, to organisations engaged in the execution, creation, publication, or presentation of any of the arts or in the preservation and display of articles and things relating to the arts, or to any local authorities: 25

New

- (c) Make grants or pay subsidies, on such conditions as it thinks fit, to Regional and Community Arts Councils, to local authorities, and to organisations engaged in the execution, creation, publication, or presentation of any of the arts or in the preservation and display of articles and things relating to the arts: 30

- (d) Make awards to persons for outstanding accomplishment in the arts, whether within or beyond New Zealand: 35

- (e) Commission the creation or execution of any artistic works, whether within or beyond New Zealand:

- 5 (f) Acquire or accept, by purchase, exchange, gift, or bailment, or by any other means, either permanently or temporarily, any artistic work and, if so desired, deliver it for safe custody and control to any local authority, museum, art gallery, library, association, society, or body, on such conditions as the Council thinks fit:
- 10 (g) Arrange for or undertake any artistic exhibition or performance, whether within or beyond New Zealand:
- (h) Advise and assist any bodies or organisations that are engaged in artistic activities, including bodies or organisations that are financed partly or wholly from public funds:
- 15 (i) Enter into agreements with any local authority, corporation, society, firm, body, or person for the management and maintenance of any land, buildings, or thing for the purposes of this Act:
- 20 (j) Acquire by purchase, exchange, lease, bailment, or gift, or by any other means, for the purposes of this Act, any land, buildings, or other real or personal property:
- (k) Dispose of by sale, exchange, lease, or bailment, or by any other means, any of its real or personal property:
- 25 (l) Charge such fees as it thinks fit for admission to land or buildings vested in it or under its control, or in respect of any exhibition or performance arranged or undertaken by it:
- 30 (m) Collect, examine, disseminate, or publish any information relating to the arts or to any particular form of art:
- (n) Subject to the provisions of this or any other Act, generally do whatever it considers necessary in order to stimulate artistic activity.
- 35 Cf. 1963, No. 54, s. 13

11. Loans and endowments—(1) In the exercise of its power to do any of the things specified in paragraph (c) of subsection (2) of section 10 of this Act, the Council may—

- 40 (a) Make advances with or without security, at such rates of interest as it determines or free of interest; and

12 *Queen Elizabeth the Second Arts Council
of New Zealand*

- (b) Guarantee, with or without security, advances made by any person to any other person or persons; and
 - (c) With the consent of the Minister, establish any endowments or create any trusts on such terms and conditions, and for such objects within the purposes of this Act, as the Council thinks fit, and appoint trustees in respect of any such endowments or trusts. 5
- (2) Any trustees appointed in respect of a trust established under subsection (1) of this section shall keep accounts in such manner as may be directed by the Council and approved by the Audit office. 10

Cf. 1963, No. 54, s. 14

12. Contracts of Queen Elizabeth Arts Council—(1) The Queen Elizabeth Arts Council is hereby declared to be a public body for the purposes of the Public Bodies Contracts Act 1959. 15

(2) The First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by omitting from Part II the item relating to the Queen Elizabeth Arts Council, and substituting the following item: 20

“The Queen Elizabeth the Second Arts Council of New Zealand | (1973) 1974, No. 00—The Queen Elizabeth the Second Arts Council of New Zealand Act (1973) 1974.” 25

Cf. 1963, No. 54, s. 15

13. Rules—(1) The Queen Elizabeth Arts Council may from time to time, by resolution, make rules not inconsistent with this Act for all or any of the following purposes: 30

- (a) Regulating the proceedings, including the conduct of meetings, of the Queen Elizabeth Arts Council and its committees: 30
- (b) Providing for the custody of the property of the Queen Elizabeth Arts Council, and the custody and use of the common seal of the Council: 35
- (c) Prescribing the manner in which public meetings are to be called and held, and elections are to be held, for the purposes of section 32 of this Act:

Struck Out

(d) Prescribing the manner of defining, for the purposes of the said section 32, areas in which Community Arts Councils are to carry on their activities:

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New

(d) Prescribing, for the purposes of the said section 32, the manner of defining the area in which any Community Arts Council is to carry on its activities:

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(e) Prescribing the procedures to be followed at meetings of Regional and Community Arts Councils or at annual regional conferences, and stipulating quorums at such meetings:

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(f) Authorising any Regional and Community Arts Councils to open bank accounts (*at any branches of the Bank of New Zealand*), and prescribing the persons by whom and the manner in which those accounts may be operated:

20

(g) Providing for such other matters as may be necessary or expedient for the carrying out of the functions of the Queen Elizabeth Arts Council.

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(2) Notice of every resolution to be submitted to any meeting for the making, amendment, or revocation of any rules shall be given, not less than 14 clear days before the day fixed for the meeting, to every member of the Queen Elizabeth Arts Council who is for the time being in New Zealand.

30

(3) No rules relating to any matter specified in paragraph (f) of subsection (1) of this section shall have any effect unless they are approved by the Audit Office.

Cf. 1963, No. 54, s. 16

14. Appointment of employees—(1) The Queen Elizabeth Arts Council may from time to time appoint such officers and other employees of the Council as it considers necessary for the effective and efficient carrying out of the functions of the Council.

(2) The Council may from time to time pay to its officers and employees, out of its funds, such salaries and allowances as the Council thinks appropriate, within scales fixed by it after consultation with the State Services Commission.

(3) The Council may from time to time determine, after consultation with the State Services Commission, the terms and conditions of service on which officers and employees of the Council shall be employed.

(4) The Council may, for the purpose of providing 5
superannuation funds and retiring allowances for its
officers and employees, subsidise out of the funds of the
Council any scheme under the National Provident Fund
Act 1950 containing provision for employer subsidy or any
other employer-subsidised scheme approved by the Minister 10
of Finance.

Cf. 1963, No. 54, s. 17

15. Delegation of powers—(1) The Queen Elizabeth Arts Council may from time to time, either generally or particularly, delegate to any of its committees or to any Regional Arts Council such of its powers under this Act as it thinks fit, including this power of delegation. 15

(2) Subject to any general or special directions given or conditions attached by the Queen Elizabeth Arts Council, a committee or Regional Arts Council to whom any powers 20
are delegated under this section may exercise those powers
in the same manner and with the same effect as if they had
been conferred on it directly by this Act and not by delegation.

(3) Every committee or Regional Arts Council purporting to act pursuant to any delegation under this section shall be 25
presumed to be acting in accordance with the terms of the
delegation in the absence of proof to the contrary.

(4) Every delegation under this section shall be revocable by the Queen Elizabeth Arts Council at will, and no such 30
delegation shall prevent the exercise of any power by the
Queen Elizabeth Arts Council.

(5) Until any such delegation is revoked, it shall continue in force according to its tenor, notwithstanding any change in the membership of the Council or of the committee or Regional Arts Council to whom the delegation was made. 35

Cf. 1963, No. 54, s. 10 (3)–(7)

Financial Provisions

16. Funds of Queen Elizabeth Arts Council—The funds of the Queen Elizabeth Arts Council shall consist of the following money: 40

(a) All money received by the Council out of money appropriated by Parliament for the purpose:

- (b) All money allocated to the Council under section 22A of the Gaming Amendment Act 1962 (as inserted by section 4 of the Gaming Amendment Act 1963) :
- 5 (c) All money lawfully contributed or donated to the Council or otherwise lawfully payable to the Council :
- (d) All money received by the Council by way of fees, rent, or otherwise in respect of any real or personal property owned or controlled by the Council or in respect of the exercise of any of the functions or
- 10 powers of the Council :
- (e) All money received by the Council from the sale or other disposal of any real or personal property of the Council :
- (f) All interest and capital repayment money received by
- 15 the Council in respect of money advanced by the Council pursuant to section 11 of this Act :
- (g) All accumulations of money belonging to the Council.
- Cf. 1963, No. 54, s. 19

17. **Bank accounts**—(1) The Queen Elizabeth Arts Council

20 shall open and maintain such bank account or accounts as it thinks fit (*at a branch or branches of the Bank of New Zealand*).

(2) No money shall be paid out of any bank account of the Council except with the authority, and in accordance

25 with any general or special directions, of the Council.

(3) A bank account of the Council may only be operated on by cheque or other instrument (not being a promissory note or bill) signed by any member or officer of the Council who is authorised by it to sign cheques drawn on that

30 account, and countersigned by any other member or officer of the Council who is authorised by it to sign such cheques.

Cf. 1963, No. 54, s. 22

18. **Money to be banked**—All money forming part of the funds of the Queen Elizabeth Arts Council shall, as soon as

35 practicable after it is received by any member or authorised officer of the Council, be paid into one of its bank accounts established under section 17 of this Act.

Cf. 1963, No. 54, s. 22 (1)

19. Unauthorised expenditure—The Queen Elizabeth Arts Council may in any financial year expend out of its funds, for purposes not authorised by this Act or any other enactment, any sum or sums not exceeding in the aggregate \$1,000.

5

Cf. 1963, No. 54, s. 20

20. Overdrafts—(1) Notwithstanding section 21 of this Act, the Queen Elizabeth Arts Council may, in anticipation of its revenue, from time to time borrow money from its bankers by way of overdraft.

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(2) Notwithstanding subsection (1) of this section, it shall not be lawful for the Council—

(a) To borrow money under this section to such an extent that there shall be owing by the Council at any time to its bankers a sum or sums exceeding in the aggregate 75 percent of its revenue for the preceding financial year; or

15

(b) To owe under the authority of this section at the end of any financial year any sum or sums exceeding in the aggregate such part of its revenue for that year as then remains owing and unpaid to it.

20

(3) As long as the money borrowed by the Council under this section does not exceed the limit specified in paragraph (a) of subsection (2) of this section, the bankers shall not be liable in any manner in respect of the failure of the Council to comply with this section; and nothing in this section shall affect the right of the bankers to be repaid, out of the assets of the Council, any money advanced by the bankers not exceeding that limit.

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(4) For the purposes of this section, the amount of any cheque drawn on a bank account of the Council but not presented before the end of a financial year shall be deemed to be money owing on that account at the end of that year.

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21. Borrowing powers—The Queen Elizabeth Arts Council may, with the prior approval in writing of the Minister of Finance but not otherwise, borrow money or mortgage or otherwise charge any of its real or personal property.

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Cf. 1963, No. 54, s. 23

22. **Investment of funds**—Subject to the terms of any trust or endowment, the Queen Elizabeth Arts Council may invest, in accordance with the provisions of the Trustee Act 1956 as to the investment of funds, any money belonging to the
5 Council that is not immediately required by it for expenditure.

Cf. 1963, No. 54, s. 21

23. **Accounts**—(1) The Queen Elizabeth Arts Council shall keep full and correct accounts of all money received
10 and expended by it.

(2) The Council shall, as soon as possible after the end of every financial year, cause its accounts for that financial year to be balanced, and cause to be prepared a statement of the assets and liabilities of the Council as at the end of that
15 financial year, together with an account of income and expenditure showing the financial transactions of the Council for that financial year.

(3) The balance sheet, statement, and other accounts of the Council shall be submitted to and audited by the Audit
20 Office, which shall for that purpose have the same powers as it has under the Public Revenues Act 1953 in respect of public money and stores and the audit of local authorities' accounts.

(4) The obligations imposed on the Council under this
25 section shall, with regard to the accounts of trustees appointed in respect of a trust established pursuant to subsection (1) of section 11 of this Act, be complied with by those trustees, and the provisions of this section shall, with the necessary modifications, apply accordingly to those trustees.

30 Cf. 1963, No. 54, s. 24

24. **Exemption from income tax**—The Queen Elizabeth Arts Council shall be exempt from income tax.

Cf. 1963, No. 54, s. 25

Struck Out

35 **25. Annual report**—(1) The Queen Elizabeth Arts Council shall, not later than the 30th day of June in every year, furnish to the Minister a report of its proceedings and operations for the preceding financial year, together with a copy of its audited accounts for that year.

New

25. Annual report—(1) The Queen Elizabeth Arts Council shall, as soon as practicable after the 31st day of March in every year, furnish to the Minister a report of its proceedings and operations for the preceding financial year, together with a copy of its audited accounts for that year. 5

(2) The report shall incorporate all reports and copies of audited accounts required to be furnished to the Council under subsection (3) of this section in respect of that financial year. 10

(3) Where any trustees have been appointed in respect of a trust established pursuant to subsection (1) of section 11 of this Act, they shall, not later than the 30th day of April in every year, furnish to the Council a report of their proceedings and operations for the preceding financial year, together with a copy of their audited accounts for that year. 15

(4) Copies of the report and audited accounts of the Council shall be laid before Parliament as soon as practicable after they have been received by the Minister.

Cf. 1963, No. 54, s. 26; 1968, No. 103, s. 3 20

PART II

AREA COUNCILS

Regional Arts Councils

Struck Out

26. Establishment of regions—(1) For the purposes of this Act, New Zealand shall be divided into the following 8 regions: 25

- (a) The North Auckland Region:
- (b) The South Auckland Region:
- (c) The Waikato - Bay of Plenty - King Country Region: 30
- (d) The East Coast - Hawke's Bay Region:
- (e) The Taranaki-Wellington Region:
- (f) The Nelson - Marlborough - West Coast Region:
- (g) The Canterbury Region:
- (h) The Otago-Southland Region: 35

New

26. Establishment of regions—(1) For the purposes of this Act, New Zealand shall be divided into the following three regions:

- 5 (a) The Northern Region:
(b) The Central Region:
(c) The Southern Region.

(2) The Minister shall, by notice in the *Gazette*, define the boundaries of each region.

- 10 (3) The Minister may from time to time, by notice in the *Gazette*, alter the boundaries of any region.

27. Regional Arts Councils—(1) There shall be a Regional Arts Council for each region.

Struck Out

- 15 (2) Every Regional Arts Council shall consist of the following members:

- (a) One person who shall be appointed as chairman by the Minister:
20 (b) Three other persons who shall be appointed by the Minister:
(c) Three persons who shall be elected by the delegates at the annual regional conference held pursuant to section 31 of this Act.

- 25 (3) Before appointing any member of a Regional Arts Council, the Minister shall invite nominations from members of the public and from local bodies in the region, and also from any artistic organisations in the region that in his opinion may have interests in the appointment. The Minister shall make the appointments from the persons so nominated.

- 30 (4) Subject to the other provisions of this Act and to any rules, each Regional Arts Council may regulate its own procedure in such manner as it thinks fit.

New

- 35 (2) Every Regional Arts Council shall consist of the following members:

- (a) One person who shall be appointed as chairman by the Minister:
(b) Four other persons who shall be appointed by the Minister:

New

(c) Four persons who shall be elected by the representatives at the annual regional conference held pursuant to section 31 of this Act.

(3) The first meeting of each Regional Arts Council after the commencement of this Act shall be held at a time and place to be determined by the Minister. 5

(4) Every Regional Arts Council shall meet as often as necessary but in no case less frequently than 3 times in any year. 10

(5) Each Regional Arts Council may from time to time appoint an executive committee consisting of the Chairman and not fewer than 2 other members of the Regional Arts Council, and special committees for particular purposes which may consist of any persons, whether or not they are members of the Regional Arts Council. 15

(6) Subject to the other provisions of this Act and to any rules, each Regional Arts Council and each committee of any Regional Arts Council may regulate its own procedure in such manner as it thinks fit. 20

28. Terms of office of members of Regional Arts Councils—
Struck Out

(1) Except as otherwise provided by this Act, every member of a Regional Arts Council who is appointed by the Minister shall hold office for a term of 3 years from the date of his appointment, but may from time to time be reappointed. 25

New

(1) Except as otherwise provided by this Act, the Chairman and every other member of a Regional Arts Council who is appointed by the Minister shall hold office for a term of 3 years from the date of his appointment, but may from time to time be reappointed: 30

Provided that at the first meeting of the Regional Arts Council after the coming into force of this Act, it shall be determined by ballot that the term of office of 1 member appointed by the Minister pursuant to paragraph (b) of subsection (2) of section 27 shall expire 1 year from the date of his appointment, the terms of office of 2 such members appointed by the Minister shall expire 2 years from the dates 35

New

of their respective appointments and the term of office of the remaining such member appointed by the Minister shall expire 3 years from the date of his appointment.

5 (2) Except as otherwise provided by this Act, every elected member of a Regional Arts Council shall hold office until the election of members held at the next annual regional conference following the conference at which he is elected, but may from time to time be re-elected.

10 (3) Every member of a Regional Arts Council, unless he sooner vacates his office under section 29 of this Act, shall continue in office until his successor comes into office.

29. Extraordinary vacancies on Regional Arts Councils—

15 (1) Any member of a Regional Arts Council may at any time resign his office by giving written notice to that effect to the Minister.

20 (2) Any member of a Regional Arts Council may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

Struck Out

25 (3) If a member of a Regional Arts Council appointed by the Minister dies or resigns, or is removed from office, the vacancy thereby occurring shall be deemed to be an extraordinary vacancy.

(4) Every extraordinary vacancy shall be filled by an appointment made in the same manner as that of the member whose office has become vacant.

30 (5) Every person who is appointed to fill an extraordinary vacancy shall be appointed for the remainder of the term for which his predecessor was appointed.

New

35 (3) If a member of a Regional Arts Council appointed by the Minister dies or resigns, or is removed from office, the vacancy thereby occurring shall be deemed to be an extraordinary vacancy which shall be filled by an appointment made in the same manner as that of the member whose office has become vacant.

40 (4) If a member elected at an annual regional conference held pursuant to section 31 of this Act, dies or resigns, or is

New

removed from office, the vacancy thereby occurring shall be deemed to be an extraordinary vacancy which may be filled by an appointment made by the remaining members of the Regional Arts Council.

5

(5) Every person who is appointed to fill an extraordinary vacancy shall be appointed for the remainder of the term for which his predecessor was appointed or, as the case may be, was elected.

30. Functions of Regional Arts Councils—Every Regional Arts Council shall have the following functions:

10

- (a) To keep the Queen Elizabeth Arts Council fully informed of all activities and developments relating to the arts in its region, and of the needs of the region in respect of such matters: 15
- (b) To give advice and make recommendations to the Queen Elizabeth Arts Council as to the ways by which the functions of the Queen Elizabeth Arts Council can best be carried out in respect of the region: 20
- (c) To co-operate with and assist the Queen Elizabeth Arts Council in the carrying out of the functions of the Queen Elizabeth Arts Council in respect of the region:
- (d) Subject to the control of the Queen Elizabeth Arts Council, to undertake such activities in respect of the region as the Queen Elizabeth Arts Council may direct: 25
- (e) To encourage and promote the establishment and development of Community Arts Councils in the region: 30
- (f) To provide assistance and guidance to the Community Arts Councils in the region in respect of the activities of those Community Arts Councils:

Struck Out

35

- (g) To receive from the annual regional conference, and from any Community Arts Councils in the region, any recommendations as to the distribution of funds by the Minister or by the Queen Elizabeth Arts Council to any Community Arts Councils in the region: 40

Struck Out

(h) To give advice to the Minister and the Queen Elizabeth Arts Council on the financial and other needs of the Community Arts Councils in the region:

5

New

(g) To receive from the annual regional conference, and from any Community Arts Councils in the region, and from any local arts groups in any part of the region in which no Community Arts Council has been established, any recommendations as to the distribution of funds by the Minister to any local arts groups in the region pursuant to section 34 of this Act and, after consultation with the Queen Elizabeth Arts Council, to advise the Minister accordingly:

10

15

(h) To give advice to the Queen Elizabeth Arts Council on the financial and other needs of any Community Arts Councils and of any professional arts organisations in the region:

20

(i) To co-operate with educational bodies and broadcasting organisations and services in the encouragement, promotion, and development of the practice and appreciation of the arts in the region.

31. Annual regional conferences—(1) Every Regional Arts Council shall in every year hold a conference in its region, to be known as the annual regional conference.

(2) Every member of the Regional Arts Council (including the members who were elected at the preceding annual regional conference) shall be entitled to attend and participate in the conference.

(3) Every Community Arts Council in the region shall be entitled to send a delegation (*consisting of not more than 3 members of that Council,*) to attend and participate in the annual regional conference.

(4) Every member of the Queen Elizabeth Arts Council shall be entitled to attend and participate in the annual regional conference held by any Regional Arts Council, but shall not be entitled to vote on any question before the conference.

35

(5) The chairman of the Regional Arts Council shall preside at the annual regional conference if he is present. In his absence, the persons who are entitled under subsection (8) (7) of this section to vote at the conference shall appoint one of their number to preside. 5

(6) At every annual regional conference the delegates from the Community Arts Council shall elect ~~(3)~~ 4 of their number to be the members of the Regional Arts Council specified in paragraph (c) of subsection (2) of section 27 of this Act. 10

Struck Out

(7) In the election, every delegate of a Community Arts Council shall be entitled to have one vote in respect of each vacancy on the Regional Arts Council. No other person attending the conference shall vote in the election, but in the event of an equality of votes among 2 or more candidates for any vacancy, the chairman of the Regional Arts Council or other person presiding shall have a casting vote. 15

(8) On every other question before an annual regional conference, every member of the Regional Arts Council and every delegate of a Community Arts Council shall be entitled to have one vote, and in the case of an equality of votes the chairman of the Regional Arts Council shall also have a casting vote. 20

(9) Subject to the other provisions of this section, every annual regional conference may consider such matters relating to the arts as it thinks fit, and may regulate its own procedure in such manner as it thinks fit. 25

New

(7) For the purpose of this election and for any other question before the annual regional conference which may require to be decided by vote, the number of votes that may be exercised by any Community Arts Council and the manner of voting shall be in accordance with rules which shall be laid down from time to time by the Queen Elizabeth Arts Council pursuant to paragraph (c) of subsection (1) of section 13 of this Act. 30 35

(8) Subject to the other provisions of this section and to any rules laid down by the Queen Elizabeth Arts Council, every annual regional conference may consider such matters relating to the arts as it thinks fit, and may regulate its own procedure in such manner as it thinks fit. 40

Community Arts Councils
Struck Out

32. Establishment of Community Arts Councils—

(1) Where the Queen Elizabeth Arts Council is satisfied
5 that in any place in any region—

(a) A public meeting has been called and held in the
prescribed manner; and

(b) At the meeting, not less than 6 nor more than 11 persons
10 have been elected in the prescribed manner to be a
body for the purpose of establishing, maintaining,
and developing activities in the arts in an area in
that region; and

(c) The area has been defined in the prescribed manner—
the Queen Elizabeth Arts Council may, at the request of
15 that body, by notice in the *Gazette* designate it as a
Community Arts Council for the purposes of this Act.

(2) On the recommendation of any Regional Arts Council,
the Queen Elizabeth Arts Council may at any time, after
giving 14 clear days' notice to a Community Arts Council in
20 the region of its intention to do so, by notice in the *Gazette*
revoke the designation of that body as a Community Arts
Council.

(3) Where any body is designated as a Community Arts
Council in accordance with subsection (1) of this section,
25 the local authority within the boundaries of which is situated
the area in which the Community Arts Council is to carry
on its activities shall from time to time appoint a person
(whether or not a member of the local authority) to be the
representative of the local authority on the Community
30 Arts Council.

(4) Where the area referred to in subsection (3) of this
section is situated within the boundaries of more than one
local authority, only the local authority that is designated
as the administrative local authority under section 36 of this
35 Act shall appoint a person to be its representative on the Com-
munity Arts Council.

(5) The person so appointed shall be a member of the
Community Arts Council, and shall have equal rights with
the other members to attend, participate, and vote at its
40 meetings and otherwise to participate in its activities.

(6) The person so appointed shall hold office at the pleasure
of the local authority by whom he is appointed.

Struck Out

(7) Every Community Arts Council shall from time to time appoint one of its members to be its chairman.

(8) Subject to the other provisions of this Act and to any rules, every Community Arts Council may regulate its own procedure in such manner as it thinks fit. 5

New

32. Establishment of Community Arts Councils—(1) On the recommendation of the Regional Arts Council the Queen Elizabeth Arts Council may by notice in the *Gazette*, establish a Community Arts Council in any part of any region where it is satisfied that— 10

(a) A public meeting has been called and held in the prescribed manner; and

(b) At the meeting, not less than 6 nor more than 15 persons have been elected in the prescribed manner to be a body for the purpose of establishing, maintaining and developing activities in the arts in that part of the region; and 15

(c) The area has been defined in the prescribed manner: 20

Provided that where there is an organisation representative of the arts in any part of a region at the time this Act comes into force, the Queen Elizabeth Arts Council may, on application from that body and on the recommendation of the Regional Arts Council, designate it to be the Community Arts Council for that part of the region notwithstanding that the provisions of subsections (a) and (b) of this section have not been complied with. 25

(2) Where any body has applied to be designated as a Community Arts Council, but the recommendation of the Regional Arts Council has been unfavourable, that body may appeal to the Queen Elizabeth Arts Council to be so designated and the Queen Elizabeth Arts Council may in its discretion either uphold the appeal and designate that body as a Community Arts Council or dismiss the appeal. 35

(3) On the recommendation of any Regional Arts Council, the Queen Elizabeth Arts Council may at any time, after giving 14 clear days' notice to a Community Arts Council in the region of its intention to do so, by notice in the *Gazette* revoke the designation of that body as a Community Arts Council. 40

New

(4) Where any body is designated as a Community Arts Council in accordance with this section, any local authority within the boundaries of which is situated the whole or part
5 of the area in which the Council is to carry on its activities is entitled to appoint a person (whether or not a member of the local authority) to be its representative on the Council as follows:

10 (a) The local authority which is designated by the Minister under section 36 of this Act as the administrative local authority in respect of the Council shall appoint one person as its representative:

15 (b) Where the local authorities (other than the designated local authority) within the boundaries of which that area is situated do not exceed 2 each may appoint 1 person as its representative:

20 (c) Where the local authorities (other than the designated local authority) within those boundaries exceed 2, those local authorities may, after consultation, appoint 2 persons as their joint representatives.

(5) Every person so appointed shall be a member of the Community Arts Council and shall have equal rights with the other members to attend, participate, and vote at its meetings and otherwise to participate in its activities.

25 (6) Every person so appointed shall hold office at the pleasure of the local authority by whom he is appointed.

(7) Every Community Arts Council shall from time to time appoint one of its members to be its chairman.

30 (8) Every Community Arts Council shall call a general meeting of representatives of local arts groups, local authorities, and persons interested in the arts in its area at least once in every year.

35 (9) Subject to the other provisions of this Act and to any rules made by the Queen Elizabeth Arts Council, every Community Arts Council may regulate its own procedure and appoint special committees for any purpose in such manner as it thinks fit.

33. Functions of Community Arts Councils—(1) Every Community Arts Council shall have the following functions:

Struck Out

- (a) To keep the Regional Arts Council of the region in which it is situated fully informed of all activities and developments relating to the arts in the area in which the Community Arts Council carries on its activities, and of the needs of the area in respect of such matters: 5

New

- (a) To keep the Regional Arts Council of the region in which it is situated fully informed of all activities and developments relating to both amateur and professional arts in the area in which the Community Arts Council carries on its activities, and of the needs of the area in respect of such matters: 10

- (b) To give advice and make recommendations to the Regional Arts Council as to the ways in which the functions of the Queen Elizabeth Arts Council and the Regional Arts Council can best be carried out in respect of the area in which the Community Arts Council carries on its activities: 15

- (c) To co-operate with and assist the Queen Elizabeth Arts Council and the Regional Arts Council in the carrying out of their functions in respect of the region and the area in which the Community Arts Council carries on its activities: 20
25

Struck Out

- (d) To make recommendations to the Regional Arts Council as to the priorities for the distribution of funds by the Minister or by the Queen Elizabeth Arts Council to any Community Arts Councils in the region: 30

New

- (d) To make recommendations to the Regional Arts Council as to the priorities for the distribution of funds by the Minister to any local arts groups in the region pursuant to section 34 of this Act: 35

- (e) To co-operate with educational bodies and broadcasting organisations and services in the encouragement, promotion, and development of the practice and appreciation of the arts in the area in which the Community Arts Council carries on its activities:
- 5 (f) To arrange or undertake as it thinks fit, in accordance with the policies of the Queen Elizabeth Arts Council, such artistic exhibitions, performances and activities by any persons or organisations in the area in which the Community Arts Council carries
- 10 on its activities.
- (2) Every Community Arts Council may also carry on such other activities as it thinks fit within its area.

Struck Out

15 **34. Grants by Minister**—The Minister may from time to time make to any Community Arts Council, out of money appropriated by Parliament for the purpose, on such terms and conditions as he may specify, such grants as he thinks fit for use by that council in the carrying out of its functions.

New

20 **34. Grants by Minister**—Subject to paragraph (g) of section 30 of this Act, the Minister may from time to time, out of money appropriated by Parliament for the purpose, make grants or pay subsidies to local art groups on the recommendation of the appropriate Regional Arts Council and subject

25 to such terms and conditions as he may specify.

Bank Accounts

30 **35. Bank accounts for area councils**—Any Regional or Community Arts Council may, in accordance with rules made by the Queen Elizabeth Arts Council and approved by the Audit Office, open and operate a bank account or accounts (*at any branch of the Bank of New Zealand*).

PART III

GENERAL PROVISIONS

Local Authorities and Educational Bodies

35 **36. Designation of administrative local authorities**—
(1) The Minister shall by notice in the *Gazette* designate,

as the administrative local authority in respect of each Community Arts Council, for the purposes of this Act, a local authority whose boundaries lie wholly or partly within the area in which that council carries on its activities.

(2) The Minister may from time to time, by notice in the *Gazette*, revoke the designation of any administrative local authority in respect of a Community Arts Council and shall, if he does so, by notice in the *Gazette* designate another local authority that is qualified under subsection (1) of this section to be the administrative local authority in respect of that council.

37. Functions of administrative local authorities—(1) The administrative local authority in respect of a Community Arts Council shall provide reasonable administrative and secretarial services for that council.

Struck Out

(2) The Minister, on being satisfied that any administrative local authority has provided any administrative and secretarial services in accordance with this section, shall refund the costs of such services to the local authority, out of money appropriated by Parliament for that purpose.

New

(2) The Queen Elizabeth Arts Council, on being satisfied that any administrative local authority has provided reasonable administrative and secretarial services in accordance with this section, may consider any application made by the administrative local authority for a grant towards the cost of these services and may pay any such grant as it thinks fit:

Provided that where the activities of any Community Arts Council are carried out within the boundaries of more than one local authority, the administrative local authority may seek contributions towards these expenses from the other local authorities concerned.

38. Educational bodies—(1) Every educational body shall have regard to the needs of the Queen Elizabeth Arts Council and the Regional and Community Arts Councils in carrying out the functions conferred on them by this Act, and to the desirability of developing the practice and appreciation of the arts as integral aspects of education in New Zealand.

(2) Every educational body may for the purposes of subsection (1) of this section make available to any council referred to in that subsection, on such terms and conditions as the educational body thinks fit, such premises and other amenities as are within its control.

Miscellaneous Provisions

39. Grants to councils—Any local authority within the meaning of section 2 of the Local Authorities Loans Act 1956, public body, body corporate, unincorporated body of persons, or other person may, unless expressly prohibited from doing so by any enactment or instrument of trust, make to the Queen Elizabeth Arts Council or to any Regional or Community Arts Council any donation or gift of money or real or personal property; and that council may accept any such donations and gifts.

Cf. 1963, No. 54, s. 18

40. Fees and travelling allowances—(1) The Queen Elizabeth Arts Council and every Regional Arts Council are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may, if the Minister so directs, be paid out of the funds of the Queen Elizabeth Arts Council to—

- (a) The Chairman of the Queen Elizabeth Arts Council; and
 - (b) The Deputy Chairman of the Queen Elizabeth Arts Council; and
 - (c) Every other member of the Queen Elizabeth Arts Council; and
 - (d) Every chairman of a Regional Arts Council; and
 - (e) Every other member of a Regional Arts Council—
- remuneration by way of salary or fees for their services.

(3) There shall be paid out of the funds of the Queen Elizabeth Arts Council to every person specified in subsection (2) of this section travelling allowances and expenses in respect of time spent by him in travelling in the service of his council.

(4) The Fees and Travelling Allowances Act 1951 shall apply accordingly.

Cf. 1963, No. 54, s. 27

41. Members and employees not in service of Crown— No person, by reason only that he is a member, officer, or employee of the Queen Elizabeth Arts Council, or a member of any Regional or Community Arts Council, shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Superannuation Act 1956. 5

42. Members not personally liable—No member of the Queen Elizabeth Arts Council, or of any Regional or Community Arts Council, or of any committee of (*the Queen Elizabeth Arts Council*) any of those councils, shall be personally liable for any default made by any such council or committee, or by any member of it, in good faith in the course of its operations. 10

Cf. 1963, No. 54, s. 28 15

43. Proceedings not affected by certain irregularities—No act or proceeding of the Queen Elizabeth Arts Council, or of any Regional or Community Arts Council, or of any committee of (*the Queen Elizabeth Arts Council*) any of those councils, or of any person acting as a member of any such council or committee, shall be invalidated by reason of a vacancy in the membership of that council or committee at the time of the act or proceeding, or because of the subsequent discovery that there was some defect in the appointment of any person so acting, or that he was incapable of being a member or had ceased to be a member, or (*in the case of the Queen Elizabeth Arts Council*) that an insufficient number of meetings of the Council was held in any financial year. 20 25

Cf. 1963, No. 54, s. 11 30

44. Amendment of Local Authorities (Members' Interests) Act 1968—(1) The First Schedule to the Local Authorities (Members' Interests) Act 1968 is hereby amended by inserting in Part I, in their appropriate alphabetical order, the following items: 35

- 5 “Community Arts Councils | **(1973)** 1974, No. 00—The
Queen Elizabeth the
Second Arts Council of
New Zealand Act **(1973)**
1974.”
- 10 “Regional Arts Councils | **(1973)** 1974, No. 00—The
Queen Elizabeth the
Second Arts Council of
New Zealand Act **(1973)**
1974.”

15 (2) The First Schedule to the Local Authorities (Members’
Interests) Act 1968 is hereby further amended by omit-
ting from Part II the item relating to the Queen Elizabeth the
Second Arts Council of New Zealand, and substituting the

- 20 “The Queen Elizabeth the
Second Arts Council of
New Zealand. | **(1973)** 1974, No. 00—The
Queen Elizabeth the
Second Arts Council of
New Zealand Act **(1973)**
1974.”

25 **45. Transitional provisions**—(1) On the commencement of
this Act, every member of the Queen Elizabeth Arts Council
except the Secretary for Internal Affairs shall retire from
office.

(2) Nothing in subsection (1) of this section shall prevent
any member of the Council from being reappointed.

30 (3) Notwithstanding section 27 of this Act, until the first
annual regional conference of any Regional Arts Council is
held, the membership of that Council shall consist of the **(4)**
5 members specified in paragraphs (a) and (b) of subsection
(2) of that section.

Cf. 1963, No. 54, s. 5 (2)

46. Repeals—The following Acts are hereby consequen-
tially repealed:

- 35 (a) The Queen Elizabeth the Second Arts Council of
New Zealand Act 1963:
(b) The Queen Elizabeth the Second Arts Council of
New Zealand Amendment Act 1968.