

New Zealand.



ANALYSIS.

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1938, No. 9.

Title.

AN ACT to provide for the Establishment in the City of Wellington of an Astronomical Observatory, and for the Application of certain Moneys bequeathed for that Purpose by the late Charles Rooking Carter, and for Matters incidental thereto.

[14th September, 1938.]

Preamble.

WHEREAS the late Charles Rooking Carter, who died in the year eighteen hundred and ninety-six, by his last will bequeathed certain moneys, being the residue of his

estate, to the Board of Governors of the New Zealand Institute to form the nucleus of a fund for the establishment in or near Wellington of an astronomical observatory for the public use and benefit, and for the endowment of the staff thereof: And whereas the moneys comprised in the said bequest, together with the accumulated income thereof, were, by section thirteen of the Royal Society of New Zealand Act, 1933, vested in the Royal Society of New Zealand, and are now held by that society upon the trusts declared in respect thereof by the said will: And whereas the Royal Society of New Zealand and the Wellington City Council have agreed that provision should be made as follows in respect of the matters aforesaid, and it is expedient that provision be made accordingly:

1933, No. 17

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

1. This Act may be cited as the Carter Observatory Act, 1938. Short Title.

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

“ Board ” means the Carter Observatory Board constituted under this Act:

“ Financial year ” means a year ending on the thirty-first day of March:

“ Minister ” means the Minister for the time being charged with the administration of the Scientific and Industrial Research Act, 1926:

See Reprint
of Statutes,
Vol. VIII,
p. 174

“ Observatory ” means the Carter Observatory to be established under this Act.

3. There shall be established in the City of Wellington, in accordance with this Act, an astronomical observatory, to be called the Carter Observatory. Establishment
of Carter
Observatory.

4. (1) There is hereby established for the purposes of this Act a Board, to be called the Carter Observatory Board. Incorporation
of Board.

(2) 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 other things that bodies corporate may do and suffer.

Constitution
of Board.

5. (1) The Board shall consist of nine persons, to be appointed by the Governor-General in Council, of whom—

- (a) Two shall be nominated by the Minister;
- (b) Two shall be nominated by the Council of the Royal Society of New Zealand; and
- (c) Two shall be nominated by the Wellington City Council.

(2) The members of the Board shall be appointed for a term not exceeding five years. Any member may be reappointed or may at any time resign his office by writing addressed to the Chairman of the Board.

Representation
of absent
members.

6. (1) In the absence from any meeting of the Board of any member appointed on the nomination of any local authority or other body that local authority or body may appoint any other person to attend the meeting in his stead.

(2) In the absence from any meeting of the Board of any other member, being an officer of the Public Service, the Minister may authorize any other officer of the Public Service to attend the meeting in his stead.

(3) While any person is attending any meeting of the Board pursuant to this section he shall be deemed for all purposes to be a member of the Board.

Meetings of
Board.

7. (1) The first meeting of the Board shall be held at a time and place to be fixed in that behalf by the Minister.

(2) Thereafter meetings of the Board shall be held at such times and places as the Board determines.

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

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

Chairman and
Deputy
Chairman
of Board.

8. (1) At the first meeting of the Board in each financial year the Board shall elect one of its members to be the Chairman of the Board for that year. The retiring Chairman shall be eligible for re-election.

(2) Whenever there is a vacancy in the office of Chairman the Board may elect one of its members to be the Chairman for the residue of the term of office of the vacating Chairman.

(3) The Board may from time to time appoint one of its members to be the Deputy Chairman of the Board. During any vacancy in the office of Chairman or

whenever the Chairman is unable to act, whether by reason of absence or illness or otherwise, the Deputy Chairman shall have and may exercise and perform all the powers and duties of the Chairman.

(4) The Chairman shall preside at every meeting of the Board at which he is present. In the absence of the Chairman and the Deputy Chairman from any meeting of the Board the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(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.

9. The Chairman may at any time, of his own motion, call a special meeting of the Board, and he shall call a special meeting on the requisition in writing of any three members. Not less than seven days' previous notice in writing of the time and place of any special meeting shall be given to all members of the Board.

Special meetings of Board.

10. (1) The Board may from time to time appoint such committees as it thinks fit to assist it in the discharge of its functions under this Act, and may appoint as members of any committee, or authorize any committee to co-opt as members thereof, persons who are not members of the Board.

Committees.

(2) 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.

(3) The Board may relegate to any committee any matters for consideration, inquiry, management, or regulation; and may with the approval of the Minister delegate to any committee any of the powers and duties of the Board.

11. Subject to the provisions of this Act, the Board may regulate in such manner as it thinks fit the procedure of the Board and of any committee appointed by it under the last preceding section.

Procedure of Board and committees.

12. The members of the Board and of any committee appointed by the Board shall be entitled to receive a refund of all moneys reasonably expended by them in fares in respect of their attendance at meetings of the Board or committee, as the case may be, or otherwise in transacting the business of the Board or committee.

Travelling-expenses of members of Board and committees.

Contracts of Board.

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

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

(3) Any contract which if made between private persons may be made verbally without writing may be similarly made by or on behalf of the Board by any two members acting by direction of the Board, but no verbal contract shall be made involving the payment by the Board of a sum exceeding ten pounds.

Functions of Board.

14. The functions of the Board shall be to establish on the site mentioned in the next succeeding section, and to maintain, operate, and control, the Carter Observatory, and the Board shall have all such powers, not inconsistent with this Act, as are reasonably necessary for the effective performance of its duties and functions.

Site of observatory.

15. (1) The Wellington City Council is hereby authorized and directed to transfer to the Board the land specified in the next succeeding subsection for an estate in fee simple, free from the reservation now affecting it, in trust as a site for the observatory and any other buildings and erections associated therewith, and generally for the purposes of the observatory.

(2) The land to be so transferred shall be such part of the Botanical Gardens at Kelburn, containing not more than two roods, as may be agreed upon by the Wellington City Council and the Board.

Wellington City telescope to be transferred to Board.

16. The Wellington City Council is hereby authorized and directed to transfer to the Board the nine-inch telescope belonging to the Corporation of the City of Wellington, and any other apparatus, equipment, or chattels belonging to the Corporation that in the opinion of the Council may be of use to the Board.

Carter bequest to be vested in Board.

17. (1) The moneys comprised in the hereinbefore-recited bequest by the said Charles Rooking Carter, together with the accumulated income thereof, the securities in which any such moneys are invested, and all rights of the Royal Society of New Zealand in

relation thereto are hereby vested in the Board for the purpose of providing funds for the exercise of the Board's functions.

(2) The trusts declared in the will of the said Charles Rooking Carter in respect of the said moneys are hereby discharged.

18. (1) For the purpose of providing funds for the exercise of the Board's functions any local authority may in any year make a grant to the Board of such amount as it thinks fit.

Local authorities may contribute to Board's funds.

(2) For the purposes of this section the term "local authority" means any local authority or public body that for the time being is a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section two of that Act or of any Order in Council thereunder, or by virtue of the provisions of any other Act.

See Reprint of Statutes, Vol. V, p. 415

19. The Minister of Finance shall in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-nine, and in every financial year thereafter, pay to the Board, out of moneys appropriated by Parliament for the purpose, the sum of seven hundred and fifty pounds, or such other sum as the Minister of Finance may on the recommendation of the Board approve, for the purpose of providing funds for the exercise of the Board's functions.

Annual grant to Board.

20. The Board may from time to time appoint such officers and servants as it deems necessary for the efficient exercise and performance of its functions and duties.

Officers of Board.

21. The Board may from time to time—

(a) Make such charges for admission to the observatory or to any part thereof as it deems reasonable; and

(b) Grant the use of any part of the observatory to any person, body, or society (whether incorporated or not) for the purpose approved by the Board, upon such terms as the Board determines.

Power of Board to charge for admission, &c.

22. (1) All lands for the time being vested in the Board and held by it as the site of the observatory, or in conjunction with that site, shall be deemed not to be rateable property for the purposes of the Rating Act, 1925; and in respect thereof the Board shall be exempt from liability for the payment of rates.

Exemption from rates and taxes.

Ibid., Vol. VII, p. 977

See Reprint
of Statutes,
Vol. VII, p. 271

Payment of
Board's moneys
into bank,
and mode of
withdrawal.

Power to
borrow on
overdraft.
Ibid.,
Vol. V, p. 354

Investment
of moneys.

Audit of
Board's
accounts.

Ibid.,
Vol. VII, p. 10

Annual report
and statement
of accounts.

(2) The Board is hereby declared to be exempt from the payment of land-tax and income-tax under the Land and Income Tax Act, 1923.

23. All moneys received by the Board shall be forthwith paid into an account in the Board's name at such bank as the Minister of Finance from time to time directs. No moneys shall be drawn out of the bank except by authority of the Board. All cheques on the Board's account shall be signed by the treasurer or other officer of the Board appointed for the purpose, and countersigned by two members of the Board authorized by the Board from time to time to countersign cheques.

24. The Board may borrow by way of overdraft in manner prescribed by section three of the Local Bodies' Finance Act, 1921-22, and the provisions of that section shall, with the necessary modifications, apply to the Board in all respects as if it were a local authority within the meaning of that Act.

25. Subject to the terms of any trust or endowment, any moneys belonging to the Board that are not immediately required for expenditure by the Board may be invested in any manner in which trustees are for the time being authorized to invest trust funds.

26. The accounts of the Board shall be subject to audit in the same manner in all respects as if the moneys of the Board were public moneys within the meaning of the Public Revenues Act, 1926.

27. (1) The Board shall in the month of April in every year furnish to the Minister a report of its proceedings and operations for the financial year ended on the last preceding thirty-first day of March.

(2) The report shall contain a statement, in such form as the Minister of Finance from time to time approves or directs, of the Board's assets and liabilities as at the end of the financial year, together with an account of receipts and payments and of income and expenditure showing the financial transactions for that year.

(3) A copy of the report, with the accounts duly audited by the Audit Office, shall be laid before Parliament.