



ANALYSIS

Title	7. Contracts of Board
1. Short Title	8. Members of Board not personally liable
2. Interpretation	9. Money received by Board
3. Powers of Board	10. Power to borrow on overdraft
4. Terms of office of members	11. Unauthorised expenditure
5. Extraordinary vacancies	12. Audit of Board's accounts
6. Travelling allowances and expenses	13. Board to furnish annual report

1972, No. 9

An Act to amend the Carter Observatory Act 1938

[21 September 1972]

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

1. Short Title—This Act may be cited as the Carter Observatory Amendment Act 1972, and shall be read together with and deemed part of the Carter Observatory Act 1938 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:

“‘Minister’ means the Minister of Science:”.

3. Powers of Board—Section 4 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Board shall be a body corporate, with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all that bodies corporate may do and suffer.”

4. Terms of office of members—Section 5 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The members of the Board shall be appointed for a term not exceeding 5 years, but every member shall, unless he sooner vacates office under section 5A of this Act, continue in office until his successor comes into office.”

5. Extraordinary vacancies—The principal Act is hereby further amended by inserting, after section 5, the following section:

“5A. (1) Any member of the Board may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice to the Chairman of the Board.

“(2) If any member dies or resigns, or is removed from office, his office shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy.

“(3) An extraordinary vacancy shall be filled in the same manner in which the appointment to the vacant office was made.

“(4) Every person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which the vacating member was appointed.”

6. Travelling allowances and expenses—The principal Act is hereby further amended by repealing section 12, and substituting the following section:

“12. (1) The Board may pay travelling allowances and expenses to each of its members and to each member and co-opted member of any committee appointed by it; and, in respect of travel in New Zealand, those allowances and expenses shall not exceed those payable in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

“(2) In respect of travel in New Zealand the Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.”

7. Contracts of Board—(1) The principal Act is hereby further amended by repealing section 13, and substituting the following section:

“13. The Board is hereby declared to be a public body for the purposes of the Public Bodies Contracts Act 1959.”

(2) Part II of the First Schedule of the Public Bodies Contracts Act 1959 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The Carter Observatory Board	1938, No. 9, Carter Observatory Act 1938.”
-------------------------------	--

8. Members of Board not personally liable—The principal Act is hereby amended by inserting, after section 22, the following section:

“22A. No member of the Board shall be personally liable for any act or default done or made by the Board, or by any member of the Board in good faith in the course of the operations of the Board.”

9. Money received by Board—The principal Act is hereby amended by repealing section 23, and substituting the following section:

“23. All money received by the Board shall forthwith be paid into an account in the Board’s name at such bank as the Minister of Finance from time to time directs. No money shall be drawn out of the bank except by authority of the Board. All cheques and other instruments on the Board’s account shall be signed by any 2 of such members of the Board nominated for the purpose by the Board or by 1 such member and the secretary. All negotiable and other instruments requiring endorsement shall be endorsed by such person or persons as may from time to time be authorised in that behalf by the Board.”

10. Power to borrow on overdraft—The principal Act is hereby amended by repealing section 24, and substituting the following section:

“24. The Board may borrow by way of overdraft in the manner prescribed by section 20 of the Local Authorities Loans Act 1956, 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 Part II of that Act.”

11. Unauthorised expenditure—The principal Act is hereby amended by inserting, after section 25, the following section:

“25A. The Board may in each financial year, out of money not appropriated or held in trust for any special purpose, expend for purposes not authorised by this or any other Act for the time being in force any sum or sums not amounting in the aggregate to more than \$200.”

12. Audit of Board's accounts—The principal Act is hereby amended by repealing section 26, and substituting the following section:

“26. (1) The Board shall keep full and correct accounts of all money received and expended by it and the accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts.

“(2) The Board shall, as soon as practicable after the end of every financial year, cause the accounts of the Board for that financial year to be balanced and prepare a balance sheet of the Board as at the end of the financial year, together with an account of income and expenditure showing the financial transactions for that year.”

13. Board to furnish annual report—The principal Act is hereby amended by repealing section 27, and substituting the following section:

“27. (1) The Board shall, within 3 months after the end of each financial year, or within such extended period as the Minister may allow, provide the Minister with a report of its proceedings and activities during the last financial year.

“(2) The annual report shall contain the balance sheet of the Board as at the end of the financial year, together with an account of income and expenditure showing the financial transactions for that year, and shall also contain the report of the Audit Office on that balance sheet and account.

“(3) The Minister shall lay a copy of the annual report before Parliament within 28 days after the date of his receiving the report if Parliament is then in session, and, if not, shall lay it before Parliament within 28 days after the date of the commencement of the next ensuing session.”

This Act is administered in the Department of Scientific and Industrial Research.
