



## ANALYSIS

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1978, No. 29

**An Act to amend the Queen Elizabeth the Second Arts Council of New Zealand Act 1974** *[12 October 1978]*

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 Queen Elizabeth the Second Arts Council of New Zealand Amendment Act 1978, and shall be read together with and deemed part of the Queen Elizabeth the Second Arts Council of New Zealand Act 1974 (hereafter referred to as the principal Act).

**2. Interpretation**—Section 2 of the principal Act is hereby amended—

(a) By inserting, after the definition of the term “Community Arts Council”, the following definition:

“‘Council for Maori and South Pacific Arts’ means the Council for Maori and South Pacific Arts established under section 25A of this Act:”

(b) By inserting, after the definition of the term “local authority”, the following definition:

“‘Maori and South Pacific arts’ includes those artistic forms, whether ancient or modern, that are peculiar to Maori or South Pacific peoples:”

(c) By omitting the definition of the term “Minister”, and substituting the following definition:

“‘Minister’ means the Minister for the Arts:”

(d) By adding the following definition:

“‘South Pacific’ means Polynesian (other than Maori), Melanesian, or Micronesian.”

**3. New Part IA inserted**—The principal Act is hereby further amended by inserting, after Part I but before Part II, the following new Part:

#### “PART IA

##### “THE COUNCIL FOR MAORI AND SOUTH PACIFIC ARTS

“25A. **Establishment of Council**—(1) There shall be a Council for Maori and South Pacific Arts.

“(2) The Council for Maori and South Pacific Arts shall consist of the following members:

“(a) One person who shall be appointed as chairman by the Minister, and shall be a member of the Maori race or of a South Pacific race; and

“(b) Eight other persons who shall be appointed by the Minister, of whom not fewer than 4 shall be members of the Maori race and not fewer than 2 shall be members of a South Pacific race.

“(3) Before appointing any person as chairman or as another member under this section—

“(a) The Minister shall consult with the Minister of Maori Affairs, and shall have regard to his views and to any nomination submitted by him; and

“(b) The Minister may in his discretion have regard to any nomination submitted to him by any other person or body of persons.

“(4) The first meeting of the Council for Maori and South Pacific Arts shall be held at a time and place to be determined by the Minister.

“(5) The Council for Maori and South Pacific Arts shall meet as often as necessary but in no case less frequently than 3 times in any year.

“(6) The Council for Maori and South Pacific Arts may from time to time appoint an executive committee consisting of the chairman and not fewer than 2 other members of the Council, and special committees for particular purposes which may consist of any persons, whether or not they are members of the Council for Maori and South Pacific Arts.

“(7) Subject to the other provisions of this Act and to any rules, the Council for Maori and South Pacific Arts and each of its committees may regulate their own procedure in such manner as they think fit.

“25B. **Terms of office of members of Council for Maori and South Pacific Arts**—(1) Except as otherwise provided by this Act, every member of the Council for Maori and South Pacific Arts (including the chairman) shall hold office for such term, not exceeding 3 years from the date of his appointment, as the Minister shall specify, but may from time to time be reappointed:

“Provided that at the first meeting of the Council for Maori and South Pacific Arts, it shall be determined by ballot that the term of office of 2 members appointed by the Minister pursuant to section 25A (2) (b) of this Act shall expire one year from the dates of their respective appointments, the term of office of 3 such members shall expire 2 years from the dates of their respective appointments, and the term of office of the remaining 3 such members shall expire 3 years from the dates of their respective appointments.

“(2) Every member of the Council for Maori and South Pacific Arts, unless he sooner vacates his office under section 25c of this Act, shall continue in office until his successor comes into office.

**“25c. Extraordinary vacancies on Council for Maori and South Pacific Arts—**(1) Any member of the Council for Maori and South Pacific Arts may at any time resign his office by giving written notice to that effect to the Minister.

“(2) Any member of the Council for Maori and South Pacific Arts 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.

“(3) If a member of the Council for Maori and South Pacific Arts 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.

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

**“25d. Functions of Council for Maori and South Pacific Arts—**The Council for Maori and South Pacific Arts shall have the following functions:

“(a) To keep the Queen Elizabeth Arts Council fully informed of all activities and developments relating to Maori and South Pacific arts, and of the needs of such arts:

“(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 Maori and South Pacific arts:

“(c) To co-operate with and assist the Queen Elizabeth Arts Council in carrying out the functions of the Queen Elizabeth Arts Council in respect of the practice and appreciation of Maori and South Pacific arts:

“(d) Subject to the control of the Queen Elizabeth Arts Council, to undertake such activities in respect of Maori and South Pacific arts as the Queen Elizabeth Arts Council may direct:

“(e) To provide assistance and guidance to Regional and Community Arts Councils relating to the activities of those Regional and Community Arts Councils in respect of Maori and South Pacific arts:

- “(f) To receive, from any other organisations or individuals concerned with Maori and South Pacific arts, any recommendations as to the distribution of funds to any such organisations and individuals:
- “(g) To give advice to the Queen Elizabeth Arts Council on the financial and other needs of any organisations and individuals concerned with Maori and South Pacific arts:
- “(h) Subject to any rules, to make grants and pay subsidies to Community Arts Councils to facilitate the carrying out of their functions (so far as they relate to Maori and South Pacific arts) under section 33 of this Act:
- “(i) Subject to any rules, to make grants and pay subsidies to local arts groups, in any part of a region in which no Community Arts Council has been established, and to Maori or South Pacific arts groups or individuals anywhere in New Zealand, for the purposes of stimulating the practice and appreciation of Maori and South Pacific arts:
- “(j) To co-operate with educational bodies and broadcasting organisations and services in the encouragement, promotion, and development of Maori and South Pacific arts.

“25E. **Bank accounts**—The Council for Maori and South Pacific Arts may, in accordance with rules, open and operate a bank account or accounts.”

**4. Membership of Queen Elizabeth Arts Council**—Section 3 (2) of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

“(aa) The person who is for the time being the chairman of the Council for Maori and South Pacific Arts:”.

**5. Meetings of Queen Elizabeth Arts Council**—(1) Section 7 of the principal Act is hereby amended by inserting, after subsection (9), the following subsection:

“(9A) In the absence from any meeting of the Queen Elizabeth Arts Council of the person who is a member of the Queen Elizabeth Arts Council by virtue of being the chairman of the Council for Maori and South Pacific Arts, that person may appoint another member of the Council for Maori

and South Pacific Arts 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 Queen Elizabeth Arts 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."

(2) Section 7 of the principal Act is hereby further amended by inserting in subsection (10), before the word "Council", in the first, second, and fifth places where it occurs, the words "Queen Elizabeth Arts".

**6. Functions of Queen Elizabeth Arts Council**—Section 9 of the principal Act is hereby amended by omitting from paragraph (b) the words "Pacific Island", and substituting the words "South Pacific".

**7. Powers of Queen Elizabeth Arts Council**—Section 10 of the principal Act is hereby amended by inserting in subsection (2) (c), before the words "to Regional and Community Arts Council", the words "to the Council for Maori and South Pacific Arts,".

**8. Rules of Queen Elizabeth Arts Council**—(1) Section 13 (1) of the principal Act is hereby amended by repealing paragraphs (e) and (f), and substituting the following paragraphs:

"(e) Prescribing the procedures to be followed at meetings of the Council for Maori and South Pacific Arts, and of Regional and Community Arts Councils, and at annual regional conferences, and stipulating quorums at such meetings and conferences:

"(f) Authorising the Council for Maori and South Pacific Arts, and Regional and Community Arts Councils, to open bank accounts, and prescribing the persons by whom and the manner in which those accounts may be operated:

"(fa) Controlling the making of grants and the paying of subsidies by the Council for Maori and South Pacific Arts and Regional Arts Councils:".

(2) Section 35 of the principal Act is hereby amended by omitting the words "made by the Queen Elizabeth Arts Council and approved by the Audit Office".

**9. Delegation of powers of Queen Elizabeth Arts Council—**Section 15 of the principal Act is hereby amended—

- (a) By inserting in subsection (1), before the words “or to any Regional Arts Council”, the words “or to the Council for Maori and South Pacific Arts”:
- (b) By omitting from subsections (2) and (3) respectively the words “Regional Arts Council”, wherever they occur, and substituting in each case the word “council”:
- (c) By omitting from subsection (5) the words “Council or of the committee or Regional Arts Council”, and substituting the words “Queen Elizabeth Arts Council or of the committee or council”.

**10. Educational bodies—**Section 38 of the principal Act is hereby amended by inserting in subsection (1), after the words “Queen Elizabeth Arts Council”, the words “and the Council for Maori and South Pacific Arts”.

**11. Grants to Councils—**Section 39 of the principal Act is hereby amended by inserting, after the words “Queen Elizabeth Arts Council”, the words “or to the Council for Maori and South Pacific Arts”.

**12. Fees and travelling allowances—**Section 40 of the principal Act is hereby amended—

- (a) By inserting in subsection (1), after the words “Queen Elizabeth Arts Council”, the words “and the Council for Maori and South Pacific Arts”:
- (b) By inserting after paragraph (c) of subsection (2) the following paragraphs:
  - “(ca) The chairman of the Council for Maori and South Pacific Arts; and
  - “(cb) Every other member of the Council for Maori and South Pacific Arts; and”.

**13. Members not in service of Crown—**Section 41 of the principal Act is hereby amended by inserting, after the words “or a member of”, the words “ the Council for Maori and South Pacific Arts or of”.

**14. Personal liability of members—**Section 42 of the principal Act is hereby amended by inserting, after the words “Queen Elizabeth Arts Council”, the words “, or of the Council for Maori and South Pacific Arts”.

**15. Proceedings not affected by certain irregularities—**Section 43 of the principal Act is hereby amended by inserting, after the words “Queen Elizabeth Arts Council”, the words “, or of the Council for Maori and South Pacific Arts”.

**16. Amendment of Local Authorities (Members’ Interests) Act 1968—**The First Schedule to the Local Authorities (Members’ Interests) Act 1968 is hereby amended by inserting in Part II, in its appropriate alphabetical order, the following item:

<p>“The Council for Maori and South Pacific Arts</p>	<p>1974, No. 67—The Queen Elizabeth the Second Arts Council of New Zealand Act 1974.”</p>
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**17. Terms of office of Chairman and members of Queen Elizabeth Arts Council—**Section 4 (1) of the principal Act is hereby amended by omitting the words “terms of 3 years from the dates of their respective appointments”, and substituting the words “such terms, not exceeding 3 years from the dates of their respective appointments, as the Minister shall specify”.

**18. Terms of office of members of Regional Arts Councils—**Section 28 (1) of the principal Act is hereby amended by omitting the words “a term of 3 years from the date of his appointment”, and substituting the words “such term, not exceeding 3 years from the date of his appointment, as the Minister shall specify”.

**19. Functions of administrative local authorities—**Section 37 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Notwithstanding subsection (1) of this section, an administrative local authority may, instead of providing the services specified in that subsection for a Community Arts Council, make a reasonable grant to the council to enable the council itself to provide for such services.”