



ANALYSIS

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1963, No. 51

An Act to establish the Rotorua Maori Arts and Crafts Institute and to prescribe its functions and powers

[22 October 1963]

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 and commencement—(1) This Act may be cited as the Rotorua Maori Arts and Crafts Institute Act 1963.

(2) This Act shall come into force on the first day of December, nineteen hundred and sixty-three.

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

“Appointed member” means a member of the Institute appointed under paragraph (c) of subsection (1) of section 5 of this Act:

“Financial year” means a period of twelve months ending with the last day of March:

“Institute” means the Rotorua Maori Arts and Crafts Institute:

“Minister” means the Minister in Charge of Tourist and Health Resorts.

3. Administration of Act—This Act shall be administered in the Tourist and Publicity Department under the control of the Minister.

4. Institute established—(1) There is hereby established an Institute to be called the Rotorua Maori Arts and Crafts Institute.

(2) The Institute 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 such other acts and things as bodies corporate may do and suffer.

5. Membership of Institute—(1) The Institute shall consist of—

(a) The General Manager of the Tourist and Publicity Department:

(b) The Secretary for Maori Affairs:

(c) Three persons appointed by the Governor-General on the recommendation of the Minister of whom—

(i) One shall be nominated by the Whakarewewa Maori Committee established under the Maori Welfare Act 1962;

(ii) One shall be nominated by the New Zealand Maori Council established under the Maori Welfare Act 1962; and

(iii) One shall be nominated by the Rotorua City Council.

(2) No person, by reason only of his being a member of the Institute, shall be deemed to be employed in the State services for the purposes of the State Services Act 1962 or in the Government service for the purposes of the Superannuation Act 1956.

6. Terms of office of members—(1) Except as otherwise provided by this Act, the appointed members of the Institute shall be appointed for a term of three years, but may from time to time be reappointed.

(2) Notwithstanding anything to the contrary in this Act, every appointed member of the Institute, unless he sooner vacates his office under section 7 of this Act, shall continue in office until his successor comes into office.

7. Extraordinary vacancies—(1) Any appointed member 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 Minister.

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

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

8. Chairman of Institute—(1) One member of the Institute shall be appointed as Chairman of the Institute by the Governor-General on the recommendation of the Minister.

(2) Except as otherwise provided in this Act, the Chairman shall be appointed as such for a term of three years but may from time to time be reappointed to that office:

Provided that if the Chairman is an appointed member, he shall hold office as Chairman only for such period as he remains a member of the Institute.

(3) The Chairman, during the intervals between meetings of the Institute, shall have power to act on all matters on behalf of the Institute:

Provided that when the Chairman acts on behalf of the Institute in a matter which by this Act requires a decision of the Institute, he shall first consult at least one other member of the Institute and shall report at the next meeting of the Institute the action that has been taken and the Institute may confirm, reverse, or modify the decision of the Chairman or other officer.

9. Deputy Chairman of Institute—(1) At the first meeting of the Institute and thereafter at the first meeting of the Institute held after the first day of January in each year, and

also at the first meeting of the Institute held after the occurrence of a vacancy in the office of the Deputy Chairman, the Institute 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.

(2) Subject to the provisions of this Act, the Deputy Chairman shall have and may exercise all the powers and duties of the Chairman during the absence or incapacity of the Chairman or while there is a vacancy in the office of Chairman.

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

10. Deputies of members—(1) In the absence from any meeting of the Institute of any member who is not an appointed member, he may authorise any officer of his Department to attend the meeting in his stead, and any such officer, while so attending, shall be deemed to be a member of the Institute:

Provided that no such deputy shall act as Chairman or Deputy Chairman of the Institute.

(2) In any case in which the Minister is satisfied that any appointed member is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for that member during his incapacity.

(3) Any deputy appointed under subsection (2) of this section shall, while he acts as such, be deemed to be a member of the Institute.

(4) No appointment of a deputy, and no acts done by a deputy as such, and no acts done by the Institute while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

11. Meetings of Institute—(1) The Chairman shall preside at all meetings of the Institute at which he is present.

(2) The Deputy Chairman shall preside at all meetings of the Institute at which the Chairman is not present. In the absence of both the Chairman and the Deputy Chairman from any meeting, the members present shall appoint one of their number to be the chairman of that meeting.

(3) The first meeting of the Institute shall be held on a day to be appointed in that behalf by the Minister.

(4) Subsequent meetings of the Institute shall be held at such times and places as the Institute determines.

(5) A special meeting of the Institute may at any time be called by the Chairman, and the Chairman shall call a special meeting whenever requested to do so in writing by two members of the Institute:

Provided that not less than seven clear days' notice of every special meeting and of the business to be transacted thereat shall be given to each member for the time being in New Zealand, and no business other than that specified in the notice shall be transacted at any such meeting.

(6) At all meetings of the Institute the quorum necessary for the transaction of business shall be three members.

(7) Every question before the Institute shall be determined by a majority of the valid votes of the members present recorded thereon:

Provided that a resolution signed or assented to by letter or telegram by a majority of the members of the Institute for the time being in New Zealand shall have the same effect as a resolution duly passed at a meeting of the Institute.

(8) The chairman at any meeting shall have a deliberative vote, and, in case of an equality of votes, shall also have a casting vote.

(9) Subject to the provisions of this Act and to the rules of the Institute, the Institute may regulate its own proceedings in such manner as it thinks fit.

12. Committees, and delegation of powers—(1) The Institute may from time to time, by resolution, appoint, discharge, alter, continue, or reconstitute committees for particular purposes.

(2) Any person may be appointed to a committee notwithstanding that he is not a member of the Institute.

(3) The Institute may delegate to any committee such of its powers as it thinks fit.

(4) Subject to any general or special directions given or conditions attached by the Institute, any powers and functions so delegated may be performed and exercised by the committee with the same effect as if those powers and functions had been directly conferred by this Act and not by delegation.

(5) Every committee purporting to act under any delegation under this section shall be presumed to be acting in accord-

ance with the terms of the delegation, in the absence of proof to the contrary.

(6) Every such delegation shall be revocable at will, and no such delegation shall prevent the performance or exercise of any power by the Institute.

(7) 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 any committee.

(8) Subject to the rules of the Institute, each committee may regulate its own proceedings in such manner as it thinks fit.

13. Proceedings of Institute not affected by certain irregularities—No act or proceeding of the Institute, or of any committee thereof, or of any person acting as a member of the Institute, shall be invalidated in consequence of there being a vacancy in the membership of the Institute at the time of that acting or proceeding, or of the subsequent discovery that there was some defect in the appointment of any person so acting, or that he was incapable of being or had ceased to be such a member.

14. Functions of Institute—The general functions of the Institute shall be—

- (a) To encourage, foster, and promote all types of Maori culture and the practice and appreciation of Maori arts and crafts:
- (b) To train Maoris in the practice of Maori arts and crafts:
- (c) To provide in Rotorua or in the vicinity of Rotorua demonstrations or exhibitions of Maori arts and crafts and suitable premises for any such demonstrations or exhibitions:
- (d) To arrange and conduct exhibitions of Maori arts and crafts and of tours of performers demonstrating Maori arts and aspects of Maori culture:
- (e) Develop and maintain areas in the Rotorua district or elsewhere as scenic or tourist attractions:
- (f) To foster and maintain public interest in Maori culture and Maori arts and crafts:
- (g) To assist in the preservation of Maori culture and Maori arts and crafts.

15. Powers of Institute—The Institute shall have all such powers, rights and authorities as may reasonably be necessary, desirable, or expedient to enable it to carry out its functions, and in particular it may from time to time—

- (a) Formulate and implement policies in respect of the furtherance and assistance to Maori culture and Maori arts and crafts:
- (b) Make grants to any person to enable him to study, train, or gain experience in respect of the creation of Maori arts and crafts or in respect of any matter approved by the Institute:
- (c) Commission the creation or execution of any work of Maori art:
- (d) Arrange for and undertake the exhibition of Maori arts and crafts or of any performance relating to Maori culture:
- (e) Advise and assist any bodies or organisations which are engaged in activities relating to Maori culture or Maori arts and crafts:
- (f) Acquire by purchase, lease, bailment, or otherwise any land, buildings, or personal property for the purposes of this Act:
- (g) Acquire by agreement with parties concerned rights over or in respect of land not under the control of the Institute for the purposes of exercising functions and powers under this Act:
- (h) Dispose of by sale, lease, bailment, or otherwise any land, buildings, or personal property of the Institute:
- (i) Charge such fees for admission to lands and buildings vested in it or under its control or in respect of any exhibition or performance promoted, arranged, or controlled by it as the Institute thinks fit:
- (j) Provide for the licensing of guides or other persons having the function of demonstrating or describing any exhibition, scenic or tourist attractions, land, or premises under the control of the Institute or in respect of which agreements have been entered into by the Institute:
- (k) Confer diplomas on or give certificates to any person having special training or qualifications in respect of Maori arts or crafts or Maori culture generally:
- (l) Engage in the business of creating, buying, or selling articles having a special significance in respect of Maori arts or crafts or relating to Maori life or culture:
- (m) Provide for the establishment, maintenance, management, or operation of services or facilities in connection with the operation of land or premises under the control of the Institute:

- (n) Lay out, establish, maintain, improve, or operate any land or premises under the control of the Institute as scenic or tourist attractions:
- (o) Act in combination or association with any person or persons for the purposes of this Act:
- (p) Erect, alter, maintain, repair, improve, or reconstruct any building or premises for the purposes of this Act.

16. Contracts of Institute and members—(1) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The Rotorua Maori Arts and Crafts Institute		1963, No. 51—The Rotorua Maori Arts and Crafts Institute Act 1963.”
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(2) Part II of the First Schedule to the Local Authorities (Members' Contracts) Act 1954 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The Rotorua Maori Arts and Crafts Institute		1963, No. 51—The Rotorua Maori Arts and Crafts Institute Act 1963.”
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17. Rules of Institute—(1) The Institute may, by resolution, make rules not inconsistent with this Act for all or any of the following purposes, namely:

- (a) Regulating the procedure of the Institute and of any committee of the Institute and the conduct of meetings of the Institute or of any such committee:
- (b) Providing for the custody of the property of the Institute and the custody and use of the common seal of the Institute:
- (c) Prescribing rules for the conduct of guides or persons employed by the Institute in the conduct of its affairs:
- (d) Prescribing fees or charges payable in respect of the conduct of the affairs of the Institute:
- (e) Providing for such matters as may be deemed necessary or expedient for duly carrying out the work of the Institute.

(2) Notice of every resolution proposed to be submitted to any meeting for the making, amendment, or revocation of any such rules as aforesaid shall be given to every member of the Institute for the time being in New Zealand not less than seven clear days before the day fixed for the meeting.

18. Appointment of officers—(1) The Institute may from time to time appoint such officers and servants as are considered necessary for the exercise and performance of its functions and powers.

(2) The Institute may pay to its officers and servants such salaries and allowances as it thinks fit.

(3) The Institute may make payments to or subsidise the National Provident Fund or any fund or scheme established with the approval of the Minister of Finance for the purpose of providing superannuation or retiring allowances for its officers or servants.

19. Grants to Institute—(1) Any local authority within the meaning of the Local Authorities Loans Act 1956, or other public body, any public corporation, any company or other incorporated body, any unincorporated body of persons, or any other person may, unless expressly prohibited by any Act or instrument of trust affecting the donor, make to the Institute donations, gifts, or loans and the Institute may accept any such donations, gifts, or loans.

(2) Without limiting the powers conferred by subsection (1) of this section or by any other enactment, the Rotorua City Council may make grants of money or advances to the Institute upon such terms or conditions as it thinks fit and may give to the Institute such guarantee, indemnity, or security as it thinks fit to any person in respect of advances made by that person to the Institute.

20. Unauthorised expenditure—The Institute may, in any financial year, expend out of its funds for purposes not authorised by this or any other Act any sum or sums not amounting in the whole to more than one hundred pounds.

21. Investment of funds—Subject to the terms of any trust or endowment, any money belonging to the Institute that is not immediately required for expenditure by the Institute may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

22. Money to be banked—(1) All money belonging to the Institute shall as soon as practicable after it has come into the hands of the Treasurer or other proper officer of the Institute be paid into such bank as the Institute from time to time appoints to an account to be called the Rotorua Maori Arts and Crafts Institute Trust Account.

(2) No money shall be withdrawn from any such account except by authority of the Institute and any cheque or other withdrawal notice shall be signed by the Treasurer or other officer of the Institute appointed for the purpose.

23. Borrowing powers—(1) The Institute may from time to time, with the prior approval of the Minister of Finance, and subject to such conditions as that Minister may approve, borrow money on behalf of and for the purposes of the Institute and for the development and improvement of any real or personal property vested in the Institute.

(2) The Institute may give as security for any money borrowed under this section:

- (a) A mortgage of or charge on any land, or any interest in land, owned by the Institute:
- (b) A mortgage of or charge on any personal property owned by the Institute:
- (c) A floating charge on the property of the Institute.

24. Accounts—(1) The Institute 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 Institute shall, as soon as possible after the end of every financial year, cause the accounts of the Institute for that financial year to be balanced and prepare a statement of the assets and liabilities of the Institute as at the end of that financial year, together with an account of income and expenditure showing the financial transactions for that year.

25. Annual report—(1) The Institute shall, not later than the first day of June in every year, furnish to the Minister a report of its proceedings and operations for its preceding financial year, together with a copy of its accounts for that year certified by the Audit Office.

(2) A copy of the report and of the accounts so certified shall be laid before Parliament if then sitting, and, if not, within twenty-eight days after the commencement of the next ensuing session.

26. Fees and travelling allowances—(1) The Institute is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may be paid to the members of the Institute and of any committee appointed by the Institute, out of the funds of the Institute, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

27. Members of Institute not personally liable—No member of the Institute shall be personally liable for any act or default done or made by the Institute or by any member thereof in good faith in the course of operations of the Institute.

This Act is administered in the Tourist and Publicity Department.
