

Mrs McMillan

OTAGO MUSEUM TRUST BOARD

[LOCAL BILL]

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A BILL INTITULED

AN ACT to set up a Board of Trustees, to be called the Otago Museum Trust Board, to control the Otago Museum, to vest the museum and the control thereof in the Board, and to make provision for the finances and administration of the Board.

WHEREAS the Otago University Council has for many years past owned and controlled the Otago Museum and without the museum being a charge on public funds: And whereas the museum is becoming of increasing importance as an educational institution, and it is desirable that the responsibility for its maintenance and development should be more widely shared:

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

- Short Title. 1. This Act may be cited as the Otago Museum Trust Board Act 1954. 5
- Commencement. 2. Section *four* of this Act shall come into force on the passing of the Act, and the remaining sections of this Act shall come into force on the first day of April, nineteen hundred and fifty-five.
- Otago Museum. 3. (1) There is hereby established a Board, to be called the Otago Museum Trust Board. 10
 (2) The Board shall consist of:
 (a) Three members to be appointed by the Dunedin City Council:
 (b) One member to be elected by the Councils of the boroughs mentioned in the *First Schedule* hereto: 15
 (c) Two members to be elected by the Councils of the counties mentioned in the *First Schedule* hereto: 20
 (d) Two members to be appointed by the Council of the University of Otago:
 (e) One member to be appointed by the Otago Branch of the Royal Society of New Zealand:
 (f) One member to be appointed by the Association of Friends of the Otago Museum Incorporated: 25
 (g) One member to be appointed by the Education Board of the District of Otago.
- (3) 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 that bodies corporate may do and suffer. 30
- (4) The Board is hereby declared to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act 1934 and the Local Government Loans Board Act 1926. 35
- First members of Board. 4. (1) The first members of the Board to be appointed and elected under subsection *two* of the *last preceding* section shall be appointed and elected by the local authorities and bodies therein referred to not later than the thirty-first day of March, nineteen hundred and 40

fifty-five, and the provisions of subsection *two* of the next succeeding section as to the election of subsequent members of the Board by the local authorities mentioned in paragraphs (b) and (c) of subsection *two* of the last 5 preceding section shall apply to the first election.

(2) The first members of the Board shall come into office on the first day of April, nineteen hundred and fifty-five.

10 5. (1) Within four months after municipal general elections are held under the Municipal Corporations Act 1933,—

Subsequent members of Board.

(a) The Dunedin City Council shall appoint three persons to be members of the Board:

15 (b) The Councils of the boroughs mentioned in the *First Schedule* hereto shall elect one person to be a member of the Board:

(c) The Councils of the counties mentioned in the *First Schedule* hereto shall elect two persons to be members of the Board:

20 (d) The bodies referred to in paragraphs (d), (e), (f), and (g) of subsection *two* of section *three* of this Act shall each appoint the appropriate number of persons to be members of the Board.

(2) With respect to every election by local authorities pursuant to paragraphs (b) and (c) of the last preceding 25 subsection, the following provisions shall apply:

(a) The Secretary of the Board or such other person as the Board may appoint shall be the returning officer for the election and shall make all necessary arrangements for and conduct the election: 30

(b) Each local authority shall be entitled to nominate one person for election as a member of the Board:

35 (c) Written notice of the date on which the election is to be held shall be given to each local authority concerned by the returning officer not less than two calendar months prior to such date, and the notice shall specify a day 40 (not earlier than one calendar month after the delivery of the notice) by which nominations must be lodged with the returning officer:

- (d) Immediately after the closing date for nominations the returning officer shall send by post to the local authorities concerned notifications of the nominations received:
- (e) Each local authority concerned shall have one vote, which shall be exercised in accordance with a resolution of the local authority by the completion under the seal of the local authority of a voting paper provided by the Board: 5
- (f) The candidate in respect of the election by the Councils of boroughs and the two candidates in respect of the election by the Councils of counties who receive the greatest number of votes at each election shall be declared elected: 10
- (g) Where there is an equality of votes between candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall determine by lot which candidate shall be elected: 15
- (h) If the number of nominations does not exceed the number of vacancies to be filled up, the returning officer shall forthwith on the closing of the nominations declare the candidates nominated to be duly elected: 20
- (i) The Board may make such regulations at it shall think fit (not being inconsistent with this Act) in respect of any matters relating to the conduct of the election which are not herein provided for. 25
- (3) Every member of the Board appointed or elected under this section shall come into office on the day following that on which he is appointed or elected.

Appointment,
election, and
resignation of
members of
Board.

6. (1) Any member of the Board, whether appointed or elected, may from time to time be reappointed or re-elected or may at any time resign his office by writing addressed to the Secretary of the Board. 35

(2) Every such member, unless he sooner vacates his office, shall continue to hold office until his successor comes into office. 40

(3) Every casual vacancy shall be filled in the same manner as in the case of the vacating member, and the member appointed or elected to fill any casual vacancy shall hold office only for the residue of the term of the

5 vacating member:

Provided that in any case where the casual vacancy occurs within four months before the date fixed for the next municipal general election under the Municipal Corporations Act 1933 the vacancy may be filled by the

10 Board.

(4) The powers of the Board shall not be affected by any vacancy in the membership thereof.

7. (1) The Board shall elect a Chairman from amongst its members at its first meeting, and thereafter

15 at the annual meeting to be held in the month of April in every succeeding year.

Meetings of Board.

(2) The Chairman shall preside at all meetings of the Board at which he is present. In the absence of the Chairman from any meeting the members present shall

20 appoint one of their number to be the Chairman for that meeting.

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

(4) All questions before the Board shall be decided

25 by a majority of the valid votes recorded thereon.

(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.

(6) The Director of the museum shall attend all

30 meetings of the Board as far as it is practicable for him to do so:

Provided that, if the Board so directs, the Director shall temporarily retire from any meeting.

(7) Subject to the provisions of this Act, the Board

35 shall regulate its own proceedings.

8. (1) The Board may from time to time appoint committees consisting of two or more persons and may

Committees.

40 delegate to any such committee any of the powers and duties by this Act conferred upon the Board except the power to borrow money, levy a contribution, make a by-law, enter into a contract, or institute an action.

(2) It shall not be necessary that any person

45 appointed to be a member of a committee under this section shall be a member of the Board.

(3) 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.

(4) Every committee shall, unless sooner discharged by the Board, be deemed to be discharged on the coming into office of the members of the Board appointed or elected after the municipal general election next after the appointment of the committee. 5

Vesting of
Museum site.

9. (1) On the first day of April, nineteen hundred and fifty-five, the vesting in the University of Otago of the land described in the *Second* Schedule hereto shall be deemed to be cancelled, and the said land shall, as on and from that day, be deemed to be vested in the Board, which shall hold such land in trust for a museum. 10 15

(2) The District Land Registrar for the Land Registration District of Otago is hereby empowered and directed to make such entries in the registers and generally to do all such things as may be necessary to give full effect to the provisions of this section. 20

Transfer of
other assets.

10. All other assets of the Otago Museum as shown in the accounts of the University of Otago as at the thirty-first day of March, nineteen hundred and fifty-five, shall by virtue of this Act vest in the Board on the first day of April, nineteen hundred and fifty-five. 25

Transfer of
obligations, etc.

11. (1) All obligations, engagements, and liabilities of the University of Otago in respect of the museum shall by virtue of this Act be obligations, engagements, and liabilities of the Board:

Provided that nothing in this Act shall be so construed as to affect in any way the rights of any creditor. 30

(2) The Board shall indemnify the University of Otago against all its liabilities in respect of the museum.

Functions and
powers of
Board.

12. All the functions, powers, and authorities vested in or which might lawfully be exercised prior to the coming into force of this Act by the University of Otago in relation to the museum shall by virtue of this Act be vested in and may be lawfully exercised by the Board. 35

Use of museum
by University

13. The University of Otago shall be entitled at all times to use the museum and the lecture rooms and laboratories attached thereto or used in connection therewith, and also the exhibits and collections contained therein, for the purpose of teaching and demonstration in the subjects of arts and science. 40

14. The University of Otago shall be entitled at all times to house the Hocken Library Collection and the said University's botany and zoology departments in the museum building and to have free and uninterrupted access at all reasonable times to such library and departments, and shall be entitled at any time at the sole discretion of the Council of the said University to remove the said Hocken Library Collection and all equipment used in connection therewith and in connection with the said botany and zoology departments from the museum building.

Housing of
Hocken
Library and
departments.

15. The Council of the University of Otago shall pay to the Board annually the net amount which the said Council shall receive by way of rents from museum endowment lands for and towards the maintenance of the museum.

Contribution
by Otago
University
Council.

16. (1) The Councils of each of them the City of Dunedin and the boroughs and counties mentioned in the *First Schedule* hereto shall contribute annually towards the maintenance, support, and development of the museum an amount to be fixed by the Board, but not exceeding the equivalent of one-fiftieth of a penny in the pound of the capital value of all rateable property within their respective districts.

Contributions
by local
bodies.

(2) For the purposes of this section the capital value of rateable property shall be deemed to be the approximate capital value thereof as on the thirty-first day of December preceding the financial year in which the contribution is levied, such value being determined under the Valuation of Land Act 1951 and certified as approximately correct by the Valuer-General.

(3) The Board shall by resolution fix the amount to be levied against each of the said local authorities pursuant to subsection *one* of this section, and a copy of such resolution shall be forwarded to each of the contributory local authorities on or before the thirtieth day of April in each year.

17. All such amounts shall be payable by the local authorities by equal half-yearly instalments on the thirty-first day of March and the thirtieth day of September in each year, the first instalment being payable on the thirtieth day of September, nineteen hundred and fifty-five, and every such instalment shall be due on the day on which it is payable.

Time of
payment of
contribution.

Contribution
may be paid
out of ordinary
funds or
raised by a rate.

18. Every contributory local authority liable to pay any contribution under the foregoing provisions of this Act may pay the same out of its ordinary funds or may if it thinks fit, in addition to its other rating powers, raise the required amount by a rate to be made and levied for that purpose.

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Borrowing
powers of
Board.

19. (1) For the purposes of erecting buildings, or of making additions or alterations to buildings, or of purchasing land, or of providing furnishings or equipment, or of paying off any loan which has theretofore been raised by the Board or for which the Board is liable, or for any other purposes of capital expenditure, the Board may borrow money; and as a security for any such loan the Board may issue debentures or mortgage or charge any land vested in it, but no such debentures, and no mortgage or charge, shall contain or imply any power of sale of any land which the Board has no power to sell.

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(2) The provisions of the Local Bodies' Finance Act 1921-22 and of the Local Bodies Loans Act 1926 shall, with the necessary modifications, apply to the Board in all respects as if the Board were a local authority within the meaning of those Acts, except that it shall not be necessary in any case to take the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act 1926.

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Banking and
withdrawals of
Board moneys.

20. (1) All moneys belonging to the Board amounting to twenty-five pounds and upwards shall, within seven days after they have come to the hand of the proper officer of the Board, be paid into such Bank as the Board from time to time appoints, to the account of the Board.

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(2) No moneys shall be drawn out of the bank except by cheque signed by any two of such members of the Board as the Board from time to time authorizes to sign cheques, and countersigned by an officer appointed by the Board for the purpose.

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Travelling
allowances.

21. There may be paid to the Chairman and to the members of the Board or of any committee thereof out of the funds of the Board all amounts actually and reasonably expended by them in attending meetings of the Board or of any committee thereof, or in transacting any business of the Board pursuant to a resolution of the Board.

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22. The Board may in every financial year expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per cent of the gross receipts of the Board for that year, nor in any case to more than one hundred pounds.

Unauthorized expenditure.

23. The costs incurred by the University of Otago in the promotion and preparation of this Act and in assisting its passage through Parliament may be paid out of the funds of the Board.

Cost of promotion of Act.

24. (1) The Audit Office shall be the auditor of the Board and shall have the same duties and powers in respect of the moneys and accounts of the Board and of every person dealing therewith as if the Board were a local authority within the meaning of section eighty-seven of the Public Revenues Act 1954.

Accounts to be audited by Audit Office.

(2) Within twenty-eight days after the close of each financial year ending on the thirty-first day of March the Board shall cause to be prepared and submitted to the Audit Office for audit a balance sheet and income and expenditure account showing fully the financial position of the Board at the close of the year.

25. (1) The Board may by resolution from time to time appoint fit persons to be Director of the Museum, Secretary to the Board, and all such other officers and servants as it thinks necessary to assist in the execution of this Act, and may pay such persons such salaries and allowances as it thinks fit. Any person so appointed may hold or may be appointed to an office under the control of the University of Otago.

Appointment of officers.

(2) One person may hold two or more of such offices.

(3) Any officer or servant of the Board may be at any time removed from office by the Board.

(4) The Registrar for the time being of the University of Otago shall be the first Secretary of the Board.

Schedules.

SCHEDULES

FIRST SCHEDULE

THE Boroughs of Alexandra, Balclutha, Cromwell, Green Island, Hampden, Kaitangata, Lawrence, Milton, Mosgiel, Naseby, Oamaru, Palmerston, Port Chalmers, Roxburgh, St. Kilda, Tapanui, Waikouaiti, West Harbour.

The Counties of Bruce, Clutha, Maniototo, Peninsula, Taieri, Tuapeka, Vincent, Waihemo, Waikouaiti, Waitaki.

SECOND SCHEDULE

ALL that area of land containing 1 acre, more or less, situated in the City of Dunedin, being Sections 25, 26, 27, and 28, Block XXIX, Town of Dunedin, and being all the land comprised in Certificate of Title Register Book Volume 301, Folio 97 (Otago Land Registry).