

PARLIAMENT CENTRE BILL

EXPLANATORY NOTE

THE objective of this Bill is to ensure that certain land around Parliament buildings—

- (a) Is a source of national and civic pride:
- (b) Complements the constitutional significance of the legislature, the executive, and the judiciary by giving appropriate status and prominence to the buildings that house Parliament, the Executive, and the Courts:
- (c) Is acknowledged as an area that has cultural and spiritual significance to Maori:
- (d) Provides an effective place of assembly for events of national significance:
- (e) Is developed as an integral part of the City of Wellington.

The land affected by the Bill is to be known as the Parliament Centre, and is shown edged in bold on the following map.

A Parliament Centre Commission is established, with the function of maintaining and developing the special status of the Parliamentary complex as a place of national significance within the City of Wellington.

In performing its function, the Commission is required to have regard to—

- (a) The need for any development within the Centre to reflect the national importance of the Parliamentary Centre:
- (b) The need to maintain the visual impact of the Parliamentary complex from a wide variety of viewpoints:
- (c) The need to maintain viewshafts between the Parliamentary complex and the harbour:
- (d) The need to provide open spaces within the Centre for outdoor ceremonies and public enjoyment:
- (e) The need to protect historic buildings and to provide for their appropriate use:
- (f) The objectives, policies, and methods of implementation adopted in the Wellington district plan:
- (g) Any current concept plan adopted by the Commission.

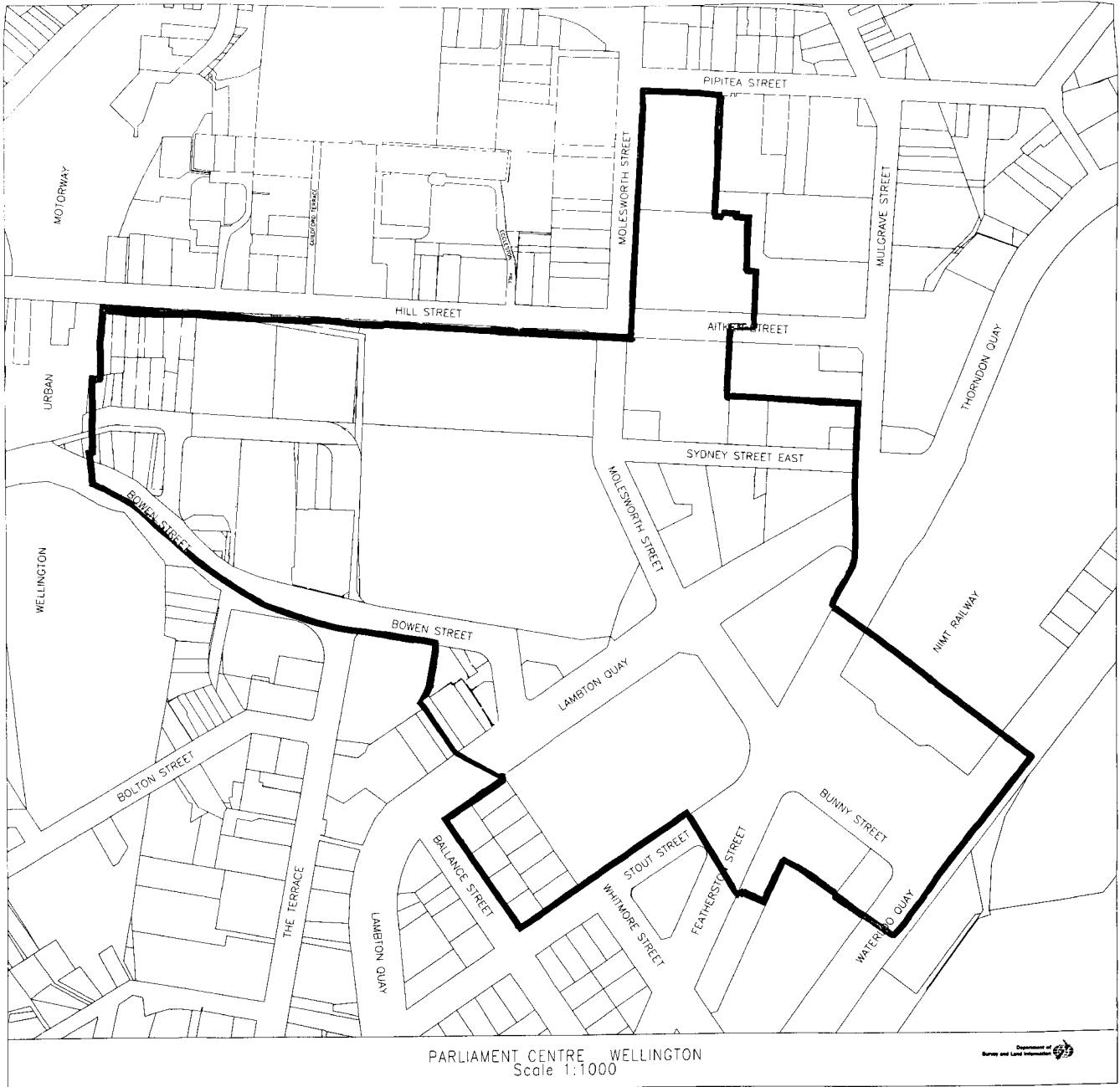
The Commission will consist of 7 members. Three will be Members of Parliament, one will be a member of the Wellington City Council, and 3 will be other community representatives.

The Commission is required to prepare a concept plan for the Parliament Centre. The concept plan will be an expression of the way in which the

Commission considers the Parliament Centre should be maintained and developed. The Commission is required to consult with a range of people who are likely to be affected by the proposed concept plan. The concept plan, once approved by the Commission, will be available for inspection by the public at the Office of the General Manager of the Parliamentary Service during normal office hours. The concept plan will be referred to the Wellington City Council, for consideration in accordance with the requirements of the Resource Management Act 1991. It is intended that relevant provisions of the concept plan will, if acceptable, be included in the district plan in due course, following normal consultation under that Act.

The Parliament Centre Commission is to be a heritage protection authority under the Resource Management Act 1991. This will enable the Commission to give notice to the Wellington City Council of its requirement for a heritage order for the purpose of protecting certain places and specific areas of land surrounding those places. The relevant provisions of the Resource Management Act relating to further information, public notification, submissions, and hearings will then apply before the heritage order may be included in the district plan.

The Commission will also be able to exercise all of the Crown's powers in relation to the enforcement of covenants imposed by the Crown on any land or buildings within the Centre.



Rt. Hon. Don McKinnon

PARLIAMENT CENTRE

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A BILL INTITULED

An Act to establish a Parliament Centre Commission, and to confer certain authority and powers on that Commission for the purpose of ensuring that land within the Parliament Centre is maintained and developed in an appropriate way

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BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Parliament Centre Act 1994.

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

“Commission” means the Parliament Centre Commission established by section 3 of this Act:

“Concept plan” means an expression in written and graphic form of the way in which the Commission considers the Parliament Centre should be maintained and developed: 5

“District plan” has the same meaning as in section 2 of the Resource Management Act 1991: 10

“Parliament Centre” means the land specified in the First Schedule to this Act:

“Parliamentary complex” means all that piece of land in the Wellington Land District, Wellington City, containing 3.3862 hectares, more or less, being Sections 1210 and 1211, Town of Wellington, situated in Block VI, Port Nicholson Survey District; as shown bordered by a red line on S.O. Plan 24133 lodged in the Office of the Chief Surveyor at Wellington. 15

PART I

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PARLIAMENT CENTRE COMMISSION

3. Establishment of Commission—(1) There is hereby established a Commission to be called the Parliament Centre Commission.

(2) The Commission shall be a body corporate with perpetual succession and a common seal, and, subject to this Act and to any other Act or rule of law, shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity. 25

4. Members of Commission—(1) The Commission shall comprise— 30

(a) The Speaker of the House of Representatives who shall chair the Commission; and

(b) One Minister of the Crown appointed from time to time by the Prime Minister; and 35

(c) One member of the House of Representatives appointed from time to time by the Leader of the Opposition; and

(d) One member of the Wellington City Council appointed from time to time by the Mayor of Wellington; and 40

(e) One person resident in the Wellington area (not being a member of the Wellington City Council) appointed from time to time by the Mayor of Wellington; and

- (f) One person who shall be a Maori appointed from time to time by the Minister of Maori Affairs; and
- (g) One person with professional knowledge of and interest in the issues to be addressed by the Commission, who shall be appointed by the Governor-General on the joint nomination of the Speaker, the Prime Minister, the Leader of the Opposition, and the Mayor of Wellington.

(2) The powers of the Commission shall not be affected by any vacancy in its membership.

5. Objectives of Commission—The objectives of the Commission shall be to ensure that the Parliament Centre—

- (a) Is a source of national and civic pride:
- (b) Complements the constitutional significance of the legislature, the executive and the judiciary by giving appropriate status and prominence to the buildings that house Parliament, the Executive, and the Courts:
- (c) Is acknowledged as an area that has cultural and spiritual significance to Maori:
- (d) Provides an effective place of assembly for events of national significance:
- (e) Develops as an integral part of the City of Wellington.

6. Functions of Commission—(1) The functions of the Commission shall be to maintain and develop the special status of the Parliamentary complex as a place of national significance within the City of Wellington.

(2) In performing its functions, the Commission shall have regard to—

- (a) The need for any development within the Centre to reflect the national importance of the Parliamentary complex:
- (b) The need to maintain the visual impact of the Parliamentary complex from a wide variety of viewpoints:
- (c) The need to maintain viewshafts between the Parliamentary complex and the harbour:
- (d) The need to provide open spaces within the Centre for outdoor ceremonies and public enjoyment:
- (e) The need to protect historic buildings and to provide for their appropriate use:
- (f) The objectives, policies, and methods of implementation adopted in the Wellington district plan:

(g) Any current concept plan approved by the Commission under **section 15** of this Act.

7. Powers—The Commission shall have all such powers as are reasonably necessary or expedient to enable it to perform its functions. 5

8. Procedure—Except as provided in this Act, the Commission may regulate its procedure in such manner as it thinks fit.

9. Annual report—(1) The Commission shall, as soon as practicable after the end of each year ending with the 30th day of June, prepare a report of its work during that year. 10

(2) The Commission shall include in every such annual report the financial statements prepared by the Commission, in accordance with Part V of the Public Finance Act 1989, in respect of the financial year to which the report relates, together with the audit report and the management statement relating to those financial statements. 15

(3) A copy of every annual report of the Commission shall be laid before the House of Representatives in accordance with section 44A of the Public Finance Act 1989. 20

(4) For the purpose of the Public Finance Act 1989, the Minister appointed under **section 4 (1) (b)** of this Act shall be the Responsible Minister.

10. Further provisions relating to Commission—The provisions set out in the **Second Schedule** to this Act shall apply in respect of the Commission. 25

11. Ombudsmen Act 1975 amended—The First Schedule to the Ombudsmen Act 1975 is hereby amended by inserting in Part II, in its appropriate alphabetical order, the following item: “The Parliament Centre Commission.” 30

12. Public Finance Act 1989 amended—The Fourth Schedule to the Public Finance Act 1989 is hereby amended by inserting, in its appropriate alphabetical order, the following item:

“Parliament Centre Commission.” 35

PART II

POWERS OF COMMISSION IN RELATION TO PARLIAMENT CENTRE

Concept Plan

5 **13. Commission to prepare concept plan for Parliament Centre**—(1) The Commission shall prepare one or more proposed concept plans for all or part of the Parliament Centre.

10 (2) Each proposed concept plan shall include a plan of the land to which it applies and a statement as to the objectives of the concept plan, and the methods of implementing those objectives, in respect of—

- 15 (a) Any requirements or restrictions in relation to buildings or other development within the Centre; and
- (b) Any requirements as to open spaces within the Centre; and
- 20 (c) The provision of carparking facilities within the Centre; and
- (d) The location, design, and appearance of roads, pedestrian malls, tracks, cycleways, pathways, accesses, and watercourses within the Centre; and
- 25 (e) The excavation and contouring of the ground and the provision of landscaping, fences, walls, or barriers within the Centre; and
- (f) The provision, prohibition, and control of verandahs, signs, and advertising displays within the Centre; and
- 30 (g) Such other matters referred to in Part II of the Second Schedule to the Resource Management Act 1991 as are appropriate to the circumstances of the Parliament Centre and as are necessary to ensure that the objectives set out in **section 5** of this Act are met.

14. Consultation—(1) During the preparation of a proposed concept plan, the Commission shall consult—

- 35 (a) Persons who are known by the Commission to be owner or occupier of any land to which the proposed concept plan relates; and
- (b) The Historic Places Trust if the proposed concept plan relates to land subject to a heritage order or otherwise identified in the district plan as having heritage value; and
- 40 (c) Persons who are, in its opinion, likely to be directly affected by the proposed concept plan, including adjacent owners and occupiers of land, where appropriate; and

- (d) Such local authorities, iwi authorities, and other persons or authorities as it considers appropriate.
- (2) The Commission shall serve a notice of the proposed concept plan on those persons, which notice shall—
- (a) Contain a statement as to the objectives of the concept plan, and the methods of implementing those objectives; and 5
- (b) Where it is to be served on the persons referred to in paragraphs (a) to (c) of subsection (1) of this section, contain sufficient information to enable a recipient, without reference to other information, to understand the general nature of the proposed concept plan and whether it will affect him or her; and 10
- (c) State that submissions on the proposed concept plan may be made in writing; and 15
- (d) State the closing date for the receipt of submissions; and
- (e) State the place where the proposed concept plan may be viewed; and
- (f) State the address to which any submission may be sent. 20
- Cf. 1991, No. 69, s. 93

15. Approval of concept plan—(1) The Commission may, by resolution, approve a concept plan.

(2) The approved concept plan shall be endorsed with the signature of the Chairperson and the date on which it was approved. 25

16. Concept plan to be available for inspection—Any approved concept plan shall be available for inspection at the offices of the General Manager of the Parliamentary Service during normal office hours. 30

17. Referral of concept plan to Wellington City Council for consideration under Resource Management Act 1991—(1) The Commission shall refer any approved concept plan to the Wellington City Council.

(2) The Commission may, under section 73 (2) of the Resource Management Act 1991, request the Wellington City Council to change a district plan to take account of a concept plan referred to it. 35

(3) The Wellington City Council shall, when preparing or changing a district plan, have regard, in accordance with section 74 (2) (b) (i) of that Act, to any concept plan referred to it. 40

18. Amendment or revocation of concept plan—The Commission may, by resolution, amend or revoke any concept plan.

Covenants

5 **19. Powers in relation to covenants**—The Commission shall have and may exercise all the powers of the Crown in relation to the enforcement, variation, or waiving of any covenants imposed by the Crown on any land or buildings within the Parliament Centre.

10 *Heritage Protection Orders*

15 **20. Commission to be heritage protection authority under Resource Management Act 1991**—The Commission is hereby deemed to be a heritage protection authority under section 188 of the Resource Management Act 1991 for the purpose of protecting the Parliament Centre, and the provisions of that Act shall apply accordingly.

20 **21. Application of compulsory acquisition powers**—
(1) Nothing in section 197 of the Resource Management Act 1991 shall entitle the Commission to initiate the acquisition of land, or an interest in land, under the Public Works Act 1981.
(2) Nothing in this section shall excuse the Commission from failure to comply with any order of the Planning Tribunal, made under section 198 of the Resource Management Act 1991, that the Commission take an estate or interest in land
25 under the Public Works Act 1981.

General Provision

30 **22. Effect of Commission's powers on property rights**—Except as provided in this Part of this Act, any rights, interests, or liabilities that exist in respect of any land included within the Parliament Centre, or their exercise or enforcement, shall not be affected by the inclusion of land within the Centre.

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SCHEDULES

Section 2

FIRST SCHEDULE

LAND COMPRISING THE PARLIAMENT CENTRE

Turnbull House and Adjoining Areas of Land—Corner Lambton Quay and Bowen Street

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Lot 3, D.P. 10325	107 m ²	Certificate of title 436/191 All
Lot 3, D.P. 2991	539 m ²	Certificate of title 237/291 All
Lot 1, A/2948	132 m ²	Certificate of title 436/125 All
Lot 1, D.P. 68935	1834 m ²	Certificate of title 37A/166 All

Rutherford House

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Section 1, Block XXVI, Thorndon Reclamation (S.O. Plan 27063)	4353 m ²	Certificate of title 38B/501 All

Railway Station

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Part Lot 1, D.P. 10550, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, D.P. 11169, Lot 1, D.P. 17895	6.6272 ha	Certificate of title 33D/766 All

State Services Commission

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Section 1, S.O. Plan 36509	4621 m ²	Certificate of title 39D/607 All

National Library

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Section 2, S.O. Plan 36509	5566 m ²	Certificate of title 39D/608 All

Hotel Waterloo and Adjoining Land

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Section 1, S.O. Plan 35705	3498 m ²	Certificate of title 33D/987 All
Lot 1, D.P. 10748	967 m ²	Certificate of title 32B/652 All

Broadcasting House

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Section 1290, Town of Wellington (S.O. Plan 28137)	2081 m ²	Section 2, Reserves and Other Lands Disposal Act 1974
Section 1, S.O. Plan 28137	12 m ²	Proclamation 3323 (<i>Gazette</i> , 1943, p. 258) Part
Section 2, S.O. Plan 28137	30 m ²	Proclamations 1722 and 3323 Part (<i>Gazette</i> , 1927, p. 2693 and <i>Gazette</i> , 1943, p. 358) Deeds Index 1/505 Part

FIRST SCHEDULE—*continued*LAND COMPRISING THE PARLIAMENT CENTRE—*continued**Hill Street*

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Part Lot 2, D.P. 6202 (S.O. Plan 32884)	856 m ²	Gazette Notice 971420.1 (Gazette, 1988, p. 4929) Part
Part Lots 1 and 12, D.P. 23	445 m ²	Certificate of title 24A/830 All
Lot 2 and Pt Lot 3, D.P. 23	430 m ²	Certificate of title 38A/1000 All
Lot 1, Plan A/1415	433 m ²	Certificate of title 38A/999 All
Lot 1, D.P. 12137	512 m ²	Certificate of title 38A/998 All
Lot 6, D.P. 23	325 m ²	Certificate of title 351/250 All

Citizens War Memorial (Cenotaph)

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Part Reserves 3, Town of Wellington (S.O. Plan 21963)	769 m ²	Gazette Notice B040424.1 (Gazette, 1989, p. 4481)
Section 1281, Town of Wellington (S.O. Plan 27883)	1156 m ²	Gazette Notice B040421.1 (Gazette, 1989, p. 4480) Part
Part Sections 491, Town of Wellington (S.O. Plans 18663 and 18973)	507 m ²	Gazette, 1989, p. 5763 Part

Cecil Building, Shops, and Adjoining Areas of Land—Molesworth Street and Sydney Street East

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Section 2, S.O. Plan 35741 (formerly)	989 m ²	
— Lot 1, Plan A/3317		Certificate of title 433/29 All
— Lots 1, 2, 3, 4, 5, 6, 7, D.P. 1514 and Part Section 514, Town of Wellington		Certificate of title 160/214 All
Section 1, S.O. Plan 35741 (formerly)	2315 m ²	
— Part Section 514, Town of Wellington		Proclamation 2641 (Gazette, 1937, p. 2690) Part
— Part Section 514, Town of Wellington		Proclamation 2722 (Gazette, 1938, p. 1858) Part
— Part Lot 1, Plan A/488		Proclamation 3396 (Gazette, 1943, p. 1092) Part
Part Section 3, S.O. 35741 (formerly)	1593 m ²	
— Part Section 514, Town of Wellington		Proclamation 2641 (Gazette, 1937, p. 2690) Part
— Part Section 514, Town of Wellington		Proclamation 2722 (Gazette, 1938, p. 1858) Part
— Part Lot 1, Plan A/488		Proclamation 3396 (Gazette, 1945, p. 1092) Part
Part Section 514, Town of Wellington (S.O. Plan 18004)	156 m ²	Certificate of title 319/182 All
Part Lot 1, D.P. 10585	832 m ²	Certificate of title 34B/723 All

FIRST SCHEDULE—*continued*LAND COMPRISING THE PARLIAMENT CENTRE—*continued**Court of Appeal, Wellington Hotel, Thistle Inn*

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Lot 1, A/2270	493 m ²	Certificate of title 157/246 All
Section 1, S.O. Plan 35298	4467 m ²	Gazette Notice B. 051070.1 (Gazette, 1989, p. 5688) Balance
Section 3, S.O. Plan 35298	901 m ²	Certificate of title 35A/177 All
Section 4, S.O. Plan 35298	4464 m ²	Certificate of title 36C/517 All
Part Section 515, Town of Wellington	304 m ²	Certificate of title 450/62 All

Wooden Building—Lambton Quay and Supreme Court

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Part Section 11, Block VII, Thorndon Reclamation (S.O. Plan 25759)	1.1722 ha	Gazette Notice B246890.1 (Gazette, 1992, p. 2535) All
Section 1, Block VII, Thorndon Reclamation (S.O. Plan 14715)	696 m ²	Proclamation 208 All
Part Section 2 and Sections 3, 4, 5, 6, 7, 8, 9, and 10, Block VII, Thorndon Reclamation (S.O. Plan 11318)	4082 m ²	Deeds Index 1/25A (Part)

Parliament

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Section 1210, Town of Wellington (S.O. Plan 24133)	1.107 ha	Section 8, Reserves and Other Lands Disposal Act 1980
Section 1211, Town of Wellington (S.O. Plan 24133)	2.2792 ha	Section 8, Reserves and Other Lands Disposal Act 1980
Part Section 505, Town of Wellington (S.O. Plan 19219)	30 m ²	Deeds Index 1/505 Part

Charles Fergusson Tower, Charles Fergusson West, Bowen State Building Courtyard and Carpark, Building Works Maintenance Unit and Adjoining Areas of Land

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Part Lot 1, Part A/1599	121 m ²	Proclamation 2605 (Gazette, 1937, p. 2065) Part
Part Lot 1, D.P. 5362	207 m ²	Proclamation 2579 (Gazette, 1937, p. 1553) Part
Part Lot 2, D.P. 5362	17 m ²	Proclamation 2605 (Gazette, 1937, p. 2065) Part
Section 1, S.O. Plan 36556	5426 m ²	Certificate of title 39D/949 All
Part Section 1, S.O. Plan 27854	371 m ²	Gazette Notice 850082 (Gazette, 1970, p. 1998) Balance
Part Lot 4, D.P. 2	253 m ²	Gazette Notice 524794 (Gazette, 1962, p. 547) All
Lot 1, D.P. 7845 (S.O. Plan 21475)	117 m ²	Proclamation 3737 (Gazette, 1946, p. 1912) Part
Lot 2, D.P. 7845 (S.O. Plan 21475)	126 m ²	Proclamation 3737 (Gazette, 1946, p. 1912) Part
Part Section 4, S.O. Plan 20883	167 m ²	Proclamation 3323 (Gazette, 1943, p. 358) Part
Part Section 525, Town of Wellington	240 m ²	Proclamation 3737 (Gazette, 1946, p. 1912) Balance

FIRST SCHEDULE—*continued*LAND COMPRISING THE PARLIAMENT CENTRE—*continued**Charles Fergusson Tower, Charles Fergusson West, Bowen State Building Courtyard and Carpark, Building Works Maintenance Unit and Adjoining Areas of Land—continued*

<i>Description</i>	<i>Area (more or less)</i>	<i>Documentation</i>
Part Lot 10, D.P. 23	240 m ²	Gazette Notice A013201 (Gazette, 1973, p. 2433) Balance
Part Lot 9, D.P. 23	237 m ²	Gazette Notice 654340 (Gazette, 1965, p. 2049) All
Part Lot 2, D.P. 12137	147 m ²	Gazette Notice 797412 (Gazette, 1969, p. 1473) All
Part Lot 1, D.P. 12302	233 m ²	Gazette Notice 696282 (Gazette, 1966, p. 2088) All
Part Sections 526 and 527, Town of Wellington (S.O. Plan 10833)	7181 m ²	Certificate of title 427/103 All
Section 1, S.O. Plan 20910	613 m ²	Proclamation 3323 (Gazette, 1943, p. 358) Part
Part Section, 528, Town of Wel- lington (S.O. Plan 35387)	60 m ²	Deeds Index 1/528 Balance
Section 1, S.O. Plan 16340	79 m ²	Proclamation 794 (Gazette, 1912, p. 1609) All
Part Lot 2, D.P. 1856 (S.O. Plan 36788)	4 m ²	Gazette Notice B230538.1 (Gazette, 1992, p. 1178) Part
Part Lot 1, D.P. 1856 and Part Lot 1, D.P. 3196 (S.O. Plan 36788)	138 m ²	Gazette Notice B230538.1 (Gazette, 1992, p. 1178) Part
Part Section 504, Town of Wellington	3545 m ² approx.	Deeds Index 1/504 Part
Part Section 1, S.O. Plan 20883	1100 m ²	Proclamation 3323 (Gazette, 1943, p. 358) Part
Part Section 1 S.O. Plan 20883 (S.O. Plan 36788)	51 m ²	Gazette Notice B230538.1 (Gazette, 1992, p. 1178) Part

Section 10

SECOND SCHEDULE

FURTHER PROVISIONS APPLYING TO COMMISSION

1. Vacation of office by appointed members—(1) A member of the Commission who holds office under **paragraph (b)** or **paragraph (c)** or **paragraph (d)** or **paragraph (e)** or **paragraph (f)** of **section 4(1)** of this Act shall vacate office as a member of the Commission—

- (a) If the person by whom that member was appointed revokes the appointment of that member or appoints, in the place of that member, another person to hold office under that paragraph:
- (b) If, in the case of a person who is a Minister of the Crown, that person ceases to be a Minister of the Crown:
- (c) If, in the case of a person who is a member of the House of Representatives, that person vacates that office:
- (d) If, in the case of a person who is a member of the Wellington City Council, that person ceases to be a member of the Wellington City Council.

(2) A member of the Commission who holds office by virtue of an appointment under **paragraph (b)** or **paragraph (c)** or **paragraph (d)** or **paragraph (e)** or **paragraph (f)** of **section 4(1)** of this Act may, by notice in writing addressed to the Chairperson of the Commission, at any time resign the office.

2. Term of office of member appointed under section 4 (1) (g)—

(1) Except as otherwise provided in **clause 3** of this Schedule, the member of the Commission appointed under **section 4(1)(g)** of this Act shall hold office for such term not exceeding 3 years as the Governor-General shall specify in the instrument appointing that member.

(2) Every such appointed member shall be eligible for reappointment from time to time.

(3) Where the term for which a member has been appointed expires, that member, unless sooner vacating or removed from office under **clause 3** of this Schedule, shall continue to hold office, by virtue of the appointment for the term that has expired, until that member is reappointed or a successor to that member is appointed.

3. Vacation of office by member appointed under section 4 (1) (g)—(1) The member of the Commission appointed under **section 4(1)(g)** of this Act may at any time be removed from office by the Governor-General for disability, neglect of duty, or misconduct proved to the satisfaction of the Governor-General.

(2) The member of the Commission appointed under **section 4(1)(g)** of this Act may, by notice in writing addressed to the Chairperson of the Commission, at any time resign the office.

4. Substitutes for certain members—(1) If the Speaker is incapacitated by illness, absence, or other sufficient cause from attending any meeting of the Commission, the Speaker may appoint any other member of the House of Representatives to attend the meeting in the Speaker's place.

(2) If the Minister appointed under **section 4(1)(b)** of this Act is incapacitated by illness, absence, or other sufficient cause from attending any meeting of the Commission, that Minister may appoint any other Minister of the Crown to attend the meeting in that Minister's place.

SECOND SCHEDULE—*continued*FURTHER PROVISIONS APPLYING TO COMMISSION—*continued*

(3) If the person appointed under **section 4 (1) (c)** of this Act is incapacitated by illness, absence, or other sufficient cause from attending any meeting of the Commission, that person may appoint any other member of the House of Representatives to attend the meeting in that person's place.

(4) If the person appointed under **section 4 (1) (d)** of this Act is incapacitated by illness, absence, or other sufficient cause from attending any meeting of the Commission, that person may appoint any other member of the Wellington City Council to attend the meeting in that person's place.

(5) Any person appointed to attend a meeting under this clause shall for all purposes be deemed to be a member of the Commission at that meeting.

(6) The fact that any person appointed under this clause acts as a member of the Commission shall, in the absence of proof to the contrary, be sufficient evidence of the person's authority to do so.

5. Remuneration, allowances, and expenses of members of Commission, advisory groups, and committees—(1) The Commission, and every advisory group or committee of the Commission, are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) In accordance with the Fees and Travelling Allowances Act 1951,—

(a) Remuneration by way of fees, salary, or allowances may be paid to—

(i) The members of the Commission appointed under **paragraphs (e) and (f) and (g) of section 4 (1)** of this Act; and

(ii) Any person who is a member of any advisory group or committee of the Commission (unless that member is also a member of the Commission nominated or appointed by reason of already holding another office); and

(b) Travelling allowances and expenses may be paid to the members of the Commission and members of any advisory group or committee of the Commission,—

and the Fees and Travelling Allowances Act 1951 shall apply accordingly.

(3) All such money shall be paid out of the funds of the Commission.

6. Meetings of Commission—(1) Meetings of the Commission shall be held at such times and places as the Commission or the Chairperson from time to time appoints.

(2) The Chairperson shall preside at all meetings of the Commission at which he or she is present.

(3) In the absence of the Chairperson from any meeting, the members present shall appoint 1 of their number to chair that meeting.

(4) At any meeting of the Commission, the quorum necessary for the transaction of business shall be 4 members.

(5) All questions arising at any meeting of the Commission shall be decided by a majority of votes of the members present and voting.

(6) The presiding member shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(7) The Commission may meet in private or in public, as the Commission from time to time decides.

SECOND SCHEDULE—*continued*FURTHER PROVISIONS APPLYING TO COMMISSION—*continued*

(8) The Commission shall cause such notice as it thinks fit to be given of any public meeting of the Commission to persons likely to be interested in the subject-matter of the meeting.

7. Assent to resolution without a meeting—A resolution in writing signed or assented to by letter, facsimile, telegram, cable, or telex message by 4 members of the Commission shall be as valid and effectual as if it had been passed at a meeting of the Commission duly called and constituted.

8. Commission may establish advisory groups and committees—
(1) The Commission may from time to time appoint such advisory groups and committees as it thinks desirable to enable it to carry out its functions efficiently.

(2) The Commission may appoint any person, whether a member of the Commission or not, to be a member of any such advisory group or committee.

9. Commission may authorise advisory groups and committees to exercise specified power on behalf of Commission— Notwithstanding anything in this Act, the Commission may from time to time authorise any advisory group or committee appointed by the Commission under **clause 8** of this Schedule, to exercise any power specified in the authorisation (other than the power to give notice to the Wellington City Council of a requirement for a heritage protection order) on behalf of the Commission; and every act of that advisory group or committee in relation to any such matter shall be deemed for all purposes to be the act of the Commission.

10. Employees—(1) The Commission may appoint such employees, including employees on secondment from other organisations, as it thinks necessary for the efficient performance of its function.

(2) Subject to any conditions of employment, the Commission may at any time terminate or suspend the employment of any of its employees.

(3) Before entering into any collective employment contract under the Employment Contracts Act 1991, the Commission shall consult with the State Services Commissioner over the conditions of employment to be included in the collective employment contract.

11. Personnel policy—(1) The Commission shall operate a personnel policy that complies with the principle of being a good employer.

(2) For the purposes of this clause, a “good employer” is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—

- (a) Good and safe working conditions; and
- (b) An equal employment opportunities programme to be developed, published, and complied with; and
- (c) The impartial selection of suitably qualified persons for appointment; and
- (d) Recognition of—
 - (i) The aims and aspirations of Maori; and
 - (ii) The employment requirements of Maori; and

SECOND SCHEDULE—*continued*FURTHER PROVISIONS APPLYING TO COMMISSION—*continued*

- (iii) The need for greater involvement of Maori as employees of the employer operating the personnel policy; and
- (e) Opportunities for the enhancement of the abilities of individual employees; and
- (f) Recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and
- (g) Recognition of the employment requirements of women; and
- (h) Recognition of the employment requirements of persons with disabilities.

(3) For the purposes of this clause, an equal employment opportunities programme means a programme that is aimed at the identification and elimination of all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any persons or any group of persons.

12. Appointment of experts—(1) The Commission may, as and when the need arises, appoint any person, who in its opinion possesses expert knowledge or is otherwise able to assist in connection with the exercise of its functions, to make such enquiries or to conduct such research or to make such reports as may be necessary for the efficient performance of the Commission's functions.

(2) The Commission shall pay persons appointed by it under this clause, for services rendered by them, fees or commission or both at such rates as it thinks fit, and may separately reimburse them for expenses reasonably incurred in rendering services for the Commission.

13. Existing superannuation rights preserved—(1) Any person who, immediately before becoming an officer or employee of the Commission, is a contributor to the Government Superannuation Fund under Part II or Part IIA of the Government Superannuation Fund Act 1956 shall be deemed for the purposes of that Act to be employed in the Government service so long as that person continues to be an officer or employee of the Commission; and that Act shall apply to that person in all respects as if that person's service as such an officer or employee were Government service.

(2) Subject to the Government Superannuation Fund Act 1956, nothing in **subclause (1)** of this clause shall entitle any such person to become a contributor to the Government Superannuation Fund after the person has once ceased to be a contributor.

(3) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with **subclause (1)** of this clause, to a person who is in the service of the Commission, whether as an officer or employee, and is a contributor to the Government Superannuation Fund, the term "controlling authority", in relation to any such person, means the Commission.

14. Funds of Commission—The funds of the Commission shall consist of the following:

SECOND SCHEDULE—*continued*FURTHER PROVISIONS APPLYING TO COMMISSION—*continued*

- (a) Any money appropriated by Parliament for the purposes of the Commission and paid to the Commission for the purposes of the Commission:
- (b) All other money lawfully received by the Commission for the purposes of the Commission:
- (c) All accumulations of income derived from any such money.

15. Members and employees not personally liable—No member or employee of the Commission, or of any advisory group or committee appointed by the Commission under **clause 8** of this Schedule, shall be personally liable for any act done or omitted to be done by the Commission or any member or employee of the Commission, or by any such group or committee or any member of any such group or committee, in good faith in pursuance or intended pursuance of the functions and powers of the Commission, or of such group or committee.

16. Members of Commission to declare pecuniary interests—(1) If any matter before the Commission is a matter in which a member has any direct or indirect pecuniary interest, other than an interest in common with the public, that member shall, when the matter is raised, declare to the meeting that the member has such a pecuniary interest and shall not vote on the matter.

(2) Every such declaration of interest shall be recorded in the minutes of the meeting.

17. Bank accounts—(1) The Commission shall open at any bank or banks such accounts as are necessary for the exercise of its functions and powers.

(2) All money received by the Commission, or by any employee of the Commission, shall, as soon as practicable after it has been received, be paid into such bank accounts of the Commission as the Commission from time to time determines.

18. Exemption from income tax—The income of the Commission shall be exempt from income tax.

19. Administrative services, etc.—The Parliamentary Service shall provide such secretarial, accounting, and other administrative facilities and services as are necessary to enable the Commission to carry out its functions.