



ANALYSIS

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1968, No. 17—*Local***An Act to amend the Otago Museum Trust Board Act 1955**

[25 November 1968]

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 Otago Museum Trust Board Amendment Act 1968, and shall be read together with and deemed part of the Otago Museum Trust Board Act 1955 (hereinafter referred to as the principal Act).

2. Election of members—(1) Section 5 of the principal Act is hereby amended:

(a) By omitting from subsection (1) the words “Within four months after triennial general elections of members of the Councils of boroughs and counties are held under the Local Elections and Polls Act 1953”, and substituting the words “After each triennial general election of members of Borough Councils and County Councils, but not later than the thirty-first day of March next following the election,”:

(b) By inserting in subsection (2), after paragraph (h), the following paragraph:

“(hh) If no person is nominated or if a less number of persons are nominated than there are vacancies to be filled, any vacancy remaining unfilled shall be deemed to be a casual vacancy occurring on the day when the candidates elected at the election come into office.”:

(c) By omitting from subsection (3) the words “day following that”, and substituting the words “first day of April next following the day”.

(2) Section 6 of the principal Act is hereby amended by omitting from subsection (2) the word “such”, and substituting the word “appointed”.

(3) Section 6 of the principal Act is hereby further amended by inserting, after subsection (2), the following subsection:

“(2A) Every elected member, unless he sooner vacates his office, shall vacate his office with the expiration of the thirty-first day of March next following the next triennial general election of members of Borough and County Councils.”

3. New sections substituted—The principal Act is hereby amended by repealing section 15, and substituting the following sections:

“15. Levies on local authorities until the year nineteen hundred and seventy-four—(1) The Board may in any year of the budgetary period of five years commencing on the first day of April, nineteen hundred and sixty-nine, for the purposes of the management, maintenance, support, and development of the museum make a levy against the Councils of the City of Dunedin and the boroughs and counties mentioned in column one of the First Schedule to this Act (hereinafter referred to as “the contributing authorities”) of the sum of fifty-nine thousand six hundred and sixteen dollars, being the annual amount of a budget for such purposes during the said budgetary period.

“(2) The Board may also in any year of the said budgetary period for capital purposes in connection with the museum make a levy against the said Councils of the sum of eight thousand dollars.

“15A. Budgetary Committee—(1) Immediately after the coming into force of this section the Dunedin City Council shall appoint two persons and the other Councils and groups

of Councils mentioned in the Third Schedule to this Act and the Board shall each appoint one person to be a member of a committee to be known as the Budgetary Committee.

“(2) Within two months after the coming into operation of each five yearly budget the Dunedin City Council shall appoint two persons and the other Councils and groups of Councils mentioned in the Third Schedule to this Act and the Board shall each appoint one person to be a member of the Budgetary Committee.

“(3) Every member of the Budgetary Committee shall come into office on the day following that on which he is appointed.

“(4) Any member may from time to time be re-appointed or may at any time resign his office by writing addressed to the Secretary of the Board.

“(5) Each member unless he sooner vacates his office shall continue to hold office until his successor is appointed.

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

“(7) The Budgetary Committee may continue to act notwithstanding any vacancy in the membership thereof.

“(8) The Budgetary Committee shall meet at such times and at such places as the Board shall from time to time appoint.

“(9) At any meeting of the Budgetary Committee six members shall form a quorum.

“(10) The Board shall pay to the members of the Budgetary Committee travelling allowances and expenses in accordance with the provisions of the Fees and Travelling Allowances Act 1951.

“15B. Levies on local authorities from the year nineteen hundred and seventy-four—(1) Not later than the thirtieth day of September in the last year of the budgetary period of five years commencing on the first day of April, nineteen hundred and sixty-nine, and of each subsequent budgetary period of five years, the Board shall prepare a budget of the annual amount required for the management, maintenance, support, and development of the museum during the following budgetary period of five years and a list setting out opposite the name of each of the contributing authorities the annual amount apportioned as hereinafter provided to be levied against such contributing authority in respect of such budget

during such period, and shall refer such budget and list to the Budgetary Committee which may approve such budget and list or refer them back to the Board for reconsideration.

“(2) The Board shall forward a copy of the budget and list when approved by the Budgetary Committee to each of the contributing authorities.

“(3) If within three months after the budget and list have been referred to it, the Budgetary Committee has not approved the same, the Board may forward a copy of such budget and list to each of the contributing authorities without such approval.

“(4) If more than one-third of the contributing authorities shall give notice in writing to the Board under their respective seals within six weeks after a copy of the said budget and list has been forwarded to them that they are dissatisfied with such budget and list, the Board shall prepare a new budget and list but otherwise the said budget and list shall be deemed to be approved by all contributing authorities and shall be binding on them, and the Board may in any year of such budgetary period make a levy against each of the contributing authorities of the amount shown opposite the name of such contributing authority on the list.

“(5) For the purposes of apportioning levies the population of the district of each contributing authority shall be the number of persons in that district as at the first day of April in the last year of each budgetary period, according to figures obtained from the Department of Statistics, but the Board in its absolute discretion may adjust such number by reason of there being groups of persons temporarily or for a special purpose in any district at that date.

“(6) The levies made under section 15 of this Act shall be apportioned among the contributing authorities in accordance with the numbers of population and differential factors shown in columns two and three respectively of the First Schedule to this Act and shall be the amounts set out in columns four and five respectively of the said First Schedule opposite the name of each contributing authority.

“(7) The levies made in subsequent budgetary periods of five years shall be apportioned among the contributing authorities in proportion to the adjusted numbers of the population of the district of each contributing authority and to differential factors in cents per head of population based on the distance from the museum to the centre of population in the district of each contributing authority such differential factors to be in the same proportion as the differential factors shown in column three of the said First Schedule to this Act.”

4. Time for payment of contributions—The principal Act is hereby amended by repealing section 16, and substituting the following section:

“16. (1) All amounts levied shall be payable by the contributing authorities by equal half-yearly instalments on the thirty-first day of July and the thirty-first day of January in each financial year, the first instalment being payable on the thirty-first day of July, nineteen hundred and sixty-nine, and every such instalment shall be due on the day on which it is payable.

“(2) If the Board is unable for any reason to prepare and obtain approval of a budget and list of contributions as herein-before provided on or before the thirty-first day of July in the first year of any budgetary period of five years, each contributing authority shall pay to the Board on the thirty-first day of July in that year, and halfyearly thereafter, an amount equal to the half-yearly contribution payable by it for the previous budgetary period until such budget and list of contributions has been prepared and approved, and on the following half-yearly date each contributing authority shall pay to the Board the difference between the amounts paid and the total amount levied up to such half-yearly date.”

5. Insurance of Board members—The principal Act is hereby amended by inserting, after section 26, the following section:

“27. (1) The Board may from time to time enter into contracts of insurance insuring members of the Board against loss or injury from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Board, and may pay the premiums payable from time to time under and in respect of any such contracts.

“(2) The Board may pay the net proceeds received by it under any such contract of insurance to the member affected or to his personal representatives, as the case may be.”

6. Repeal and saving—(1) The principal Act is hereby further amended by repealing the First Schedule, and substituting the First Schedule set out in the First Schedule to this Act.

(2) The principal Act is hereby further amended by adding the Third Schedule set out in the Second Schedule to this Act.

(3) Notwithstanding the provisions of this Act the Board may continue to levy and receive contributions from the contributing authorities in accordance with the provisions hereby amended until the thirty-first day of March, nineteen hundred and sixty-nine.

SCHEDULES

FIRST SCHEDULE

Section 6 (1)

New First Schedule to the Principal Act

“FIRST SCHEDULE

The contributing authorities shall be those named in column one hereof and the adjusted population, differential factors, amount of annual levy, amount of capital levy, and total annual payment during the first budgetary period commencing on the first day of April, nineteen hundred and sixty-nine, appropriate to each contributing authority shall be those set opposite its name in columns two, three, four, five, and six hereof respectively.

<i>Column One</i> Name of Authority	<i>Column Two</i> Adjusted Population	<i>Column Three</i> Differential Factor Cents per head of Population	<i>Column Four</i> Annual Levy First five years \$	<i>Column Five</i> Capital Levy \$	<i>Column Six</i> Total Annual Payment \$
Dunedin City	80,475	40	32,190	4,319	36,509
<i>Boroughs—</i>					
<i>First:</i>					
St. Kilda	6,726	40	2,690	360	3,050
Green Island	5,849	39	2,281	306	2,587
Port Chalmers	3,071	38	1,167	156	1,323
Mosgiel	7,488	38	2,845	382	3,227
<i>Secondly:</i>					
Kaitangata	1,208	30	362	49	411
Balclutha	4,419	30	1,326	178	1,504
Lawrence	520	26	135	18	153
Oamaru	13,186	25	3,296	442	3,738
Tapanui	844	22	186	25	211
Naseby	120	21	25	3	28
Roxburgh	754	20	151	20	171
Alexandra	2,979	15	447	60	507
Cromwell	1,062	11	117	16	133
Milton	1,861	32	595	80	675
<i>Counties—</i>					
Waikouaiti	3,112	35	1,089	146	1,235
Taieri	8,271	34	2,812	377	3,189
Bruce	4,001	32	1,280	172	1,452
Waihemo	1,868	31	579	80	659
Clutha	6,060	26	1,576	211	1,787
Tuapeka	4,445	25	1,111	149	1,260
Waitaki	9,287	25	2,322	312	2,634
Maniototo	2,775	22	610	82	692
Vincent	4,240	10	424	57	481
	<u>174,794</u>		<u>\$59,616</u>	<u>\$8,000</u>	<u>\$67,616”</u>

SCHEDULES—*continued*

Section 6 (2)

SECOND SCHEDULE

New Third Schedule to the Principal Act

"THIRD SCHEDULE

Councils and groups of Councils appointing members to the Budgetary Committee—

Council	Representation
1. Dunedin City Council	2 members
2. Green Island Borough Council Mosgiel Borough Council Port Chalmers Borough Council St. Kilda Borough Council	} 1 member
3. Bruce County Council Taieri County Council	} 1 member
4. Alexandra Borough Council Cromwell Borough Council Naseby Borough Council Roxburgh Borough Council Tapanui Borough Council Maniototo County Council Vincent County Council	} 1 member
5. Waikouaiti County Council Waihemo County Council Waitaki County Council	} 1 member
6. Clutha County Council Tuapeka County Council	} 1 member
7. Oamaru Borough Council	1 member
8. Balclutha Borough Council Kaitangata Borough Council Milton Borough Council Lawrence Borough Council	} 1 member
9. Otago Museum Trust Board	1 member"
