

**Reprint
as at 30 January 2021**



Otago Museum Trust Board Act 1996

Local Act	1996 No 1
Date of assent	18 June 1996
Commencement	18 June 1996

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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An Act to amend the law relating to the Otago Museum Trust Board, made necessary by the reform of local government, by altering the constitution of the Board, better defining its functions, and making provision for the continuation of the work of the institution, and for the finances and administration of the Board

Preamble

Whereas the Otago Museum is a non-profit-making permanent institution, founded by the people of Otago for the service and development of their community: And whereas the Museum acknowledges a particular responsibility for the natural, cultural, and scientific heritage of the Otago region: And whereas responsibility for the maintenance and development of the said institution should continue to be widely shared.

1 Short Title

This Act may be cited as the Otago Museum Trust Board Act 1996.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Otago Museum Trust Board continued in existence under section 5(1)

contributing authority means a local authority referred to in Schedule 2

Museum means the Otago Museum situated in Dunedin, New Zealand

Director means the Director of the Museum as chief executive officer of the Board appointed under section 9(1)(a).

3 Objectives

The objectives of the Museum shall be—

- (a) to collect, preserve, act as a regional repository for, research, display, and otherwise make available to the people of the present and the future, material and information relating to the natural, cultural, and scientific heritage of the peoples of the world:
- (b) to promote interest and education in the natural, cultural, and scientific heritage of New Zealanders:
- (c) to place particular emphasis on those activities as they relate to the greater Otago region, world history, natural history, and science, and, where appropriate, their relationships in a wider global context.

4 Collection policy

The Museum may acquire or dispose of objects and data in accordance with its policy and recognised Museum practice, taking cognisance of its trusteeship role in the community.

5 Otago Museum Trust Board

- (1) There shall continue to be a governing authority of the Museum known as the Otago Museum Trust Board, which shall be the same body corporate as the Otago Museum Trust Board established by section 3(1) of the Otago Museum Trust Board Act 1955.
- (2) The Board shall consist of—
 - (a) 4 members appointed by the Dunedin City Council:
 - (b) 1 member appointed jointly by the Clutha District Council, the Central Otago District Council, and the Waitaki District Council:
 - (c) 2 members appointed by the University of Otago:
 - (d) 1 member appointed by the Otago Branch of the Royal Society of New Zealand or its successor body:
 - (e) 1 member appointed by Manawhenua, the procedure for making the appointment to be determined by the parties responsible for such appointment:
 - (f) 1 member appointed by the Association of Friends of the Otago Museum.
- (3) The member appointed jointly by the contributing authorities set out in subsection (2)(b) shall be appointed by a procedure determined by the parties making the appointment, but if an agreement cannot be reached, the appointment shall be made in accordance with the formula set out in Schedule 1.

- (4) 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.
- (5) The Board shall be deemed to be a local authority for the purposes of section 6 of the Finance Act (No 2) 1941 and of the National Provident Fund Restructuring Act 1990.

6 Appointment of members of Board

- (1) Within 3 months after the commencement of this Act, and within 3 months after each general election held pursuant to the Local Electoral Act 2001 after the commencement of this Act, those contributing authorities and other bodies referred to in section 5(2) shall each appoint a person or persons to be members of the Board.
- (2) Any person appointed by a contributing authority need not be a member of that authority.
- (3) Every member of the Board appointed under this section shall come into office on the day following that on which he or she is appointed.

Section 6(1): amended, on 1 July 2001, pursuant to section 152(1) of the Local Electoral Act 2001 (2001 No 35).

7 Reappointment and resignation of Board members

- (1) Any member of the Board may from time to time be reappointed, or may at any time resign his or her office in writing addressed to the Secretary of the Board.
- (2) Every such member, unless he or she sooner vacates office, shall continue to hold office until his or her successor comes into office.
- (3) Every casual vacancy shall be filled as soon as practicable by the appointment of a person by the contributing authority or body which appointed the member who has vacated office; and the member appointed to fill any casual vacancy shall hold office only for the residue of the term of the vacating member:

provided that where any such vacancy occurs within 6 months before the date fixed for the next general election pursuant to the Local Electoral Act 2001, the appointing body or bodies charged with filling that vacancy may determine that the vacancy shall not be filled.

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

Section 7(3) proviso: amended, on 1 July 2001, pursuant to section 152(1) of the Local Electoral Act 2001 (2001 No 35).

8 Meetings of Board

- (1) The Board shall hold such meetings as are necessary to carry out its functions effectively.

- (2) The first meeting of the Board following the appointment of members as specified in section 5(2) shall be called by the Director as soon as practicable, and shall be chaired by the Director until a Chairperson and a Deputy Chairperson are elected from the members of the Board.
- (3) The Chairperson shall preside at all meetings of the Board at which he or she is present. In the absence of the Chairperson from any meeting the Deputy Chairperson shall preside, and if both are absent, then the members present shall appoint one of their number to be the Chairperson of that meeting.
- (4) At any meeting of the Board one half of the members shall form a quorum.
- (5) Every matter before the Board shall be decided upon by open voting by a majority of the votes recorded on it.
- (6) At any meeting of the Board the Chairperson shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.
- (7) Meetings of the Board shall be subject to the provisions of this Act and of the Local Government Official Information and Meetings Act 1987, but subject to that Act, the Board shall regulate its own proceedings.

9 Functions and powers of Board

- (1) The functions of the Board shall be—
 - (a) to appoint, and whenever necessary reappoint or replace, a Chief Executive Officer of the Museum, who shall be responsible to the Board for employing, on behalf of the Board, staff of the Museum and negotiating their terms of employment:
 - (b) to establish for the guidance of the Chief Executive Officer broad lines of policy consistent with the objectives of the Museum as outlined in section 3:
 - (c) to ensure that the Museum building, collections, and documentation are maintained in good order and condition:
 - (d) to ensure that the Museum is run effectively and efficiently in accordance with its policy.
- (2) The Board shall have such powers, not inconsistent with this Act or with the relevant sections of the Local Government Act 2002, as are reasonably necessary for the effective performance of its functions.

Section 9(2): amended, on 1 July 2003, pursuant to section 266 of the Local Government Act 2002 (2002 No 84).

10 Delegation of functions and powers

- (1) The Board may from time to time, either generally or specifically, by resolution, delegate in writing any of its functions and powers (other than this power of delegation and the powers conferred on the Board under section 15) to the Director or to any committee appointed under section 11.

- (2) Subject to any general or special directions given or conditions imposed by the Board, the Director or any committee to which any such delegation is made may exercise or perform the delegated functions or powers in the same manner and with the same effect as if they had been conferred by this section and not by delegation.
- (3) Where the Director or any committee purports to act pursuant to any such delegation, the Director or committee shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.
- (4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any function or power by the Board.
- (5) Until any such delegation is revoked, it shall continue in force according to its tenor.

11 Committees

- (1) The Board may from time to time, by resolution, appoint such standing committees and special committees as it considers appropriate.
- (2) Every committee shall be subject in all things to the control of the Board, and shall carry out all directions, general and special, of the Board given in relation to the committee or its affairs; but nothing in this section shall entitle the Board to rescind or amend a decision made by a committee pursuant to a delegation authorising the making of the decision.
- (3) Subject to any provision to the contrary in this Act or any other Act, the Board may at any time and from time to time discharge or reconstitute any committee.
- (4) The Board may at any time and from time to time appoint or discharge any member of a committee.
- (5) Every committee shall, unless sooner discharged, be deemed to be discharged on the coming into office of the members of the Board appointed in accordance with section 6.
- (6) The Board may appoint to any committee any person who is not a member of the Board (other than an employee of the Board) if, in the opinion of the Board, that person has knowledge that will assist the work of the committee.
- (7) At least 1 member of every committee shall be an appointed member of the Board.
- (8) Subject to any directions given by the Board, and to any standing orders adopted by the Board, every committee may regulate its own procedure.
- (9) At any meeting of a duly appointed committee half of the members shall form a quorum.

12 Contracts of Board

- (1) Any contract which, if made between private persons, must be by deed, may be similarly made by or on behalf of the Board in writing under the seal of the Board.
- (2) Any contract which, if made between private persons must be in writing signed by the parties to be charged therewith, may be similarly made by or on behalf of the Board, either under the seal of the Board or signed by 2 members of the Board on behalf of and by direction of the Board.
- (3) Any contract which, if made between private persons may be made orally, may be similarly made by or on behalf of the Board, but no oral contract shall be made for any sum exceeding \$2,000.
- (4) Notwithstanding anything in this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in the manner provided for in this section if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board, either in relation to contracts generally or in relation to that particular contract.
- (5) Nothing in this section shall limit or affect the law relating to the entering into contracts of an agent on behalf of a principal.

13 Local authorities, etc, may contribute to Board's funds

For the purpose of providing funds for the exercise and performance of the Board's powers and functions, any local authority or public body may from time to time, without further authority than this section, make grants out of its general funds to the Board of such amounts as it thinks fit.

14 Principles of financial management

Without limiting the provisions of any other enactment relating to the funds and revenues of any public body, the Board shall manage and account for its revenues, expenditure, assets, liabilities, investments, and financial dealings generally in accordance with the relevant financial management principles of the Local Government Act 2002 and generally accepted accounting practice.

Section 14: amended, on 1 July 2003, pursuant to section 266 of the Local Government Act 2002 (2002 No 84).

15 Annual plan

- (1) The Board shall prepare and adopt, for each financial year ending with 30 June, an annual plan which outlines—
 - (a) in particular terms for the financial year in which the plan is adopted, and in general terms for each of the following 2 financial years—
 - (i) the intended significant policies and objectives of the Board; and
 - (ii) the nature and scope of significant activities to be undertaken; and

- (iii) the performance targets and other measures by which performance may be judged in relation to the objectives:
 - (b) in particular terms for the financial year in which the report is adopted, and in general terms for each of the following 2 financial years, in total and for each significant activity of the Board—
 - (i) the indicative costs, including an allowance for depreciation of plant; and
 - (ii) the sources of funds and the amount of any proposed levies.
- (2) The plan shall include an explanation of any significant changes between the policies, objectives, activities, and performance targets specified in the plan as being those for the financial year in which the plan is adopted and those specified in the plan for the immediately preceding financial year as being those for the financial year in which the plan is adopted.
- (3) The draft annual plan shall be referred to the contributing authorities for a period of 3 months concluding no later than 31 May in each year, or such earlier date as agreed by mutual consultation with the contributing authorities.
- (4) The Board shall consider all submissions received in respect of the draft annual plan and amend it as considered to be appropriate before adoption by the Board no later than 2 weeks following the period referred to in subsection (3).
- (5) A copy of the annual plan, when adopted, shall forthwith be sent to each contributing authority.

16 Levies

- (1) The total of any levies proposed in the budget shall be deemed to have been approved by all contributing authorities and binding on them once the budget is adopted, unless the Dunedin City Council gives notice in writing objecting to the levies proposed therein within the period referred to in section 15(3), and stating the grounds of its objection.
- (2) Within 14 days of receipt of such notice of objection, the Board shall convene a meeting of all contributing authorities to be held not later than 1 month following the date referred to in section 15(3).
- (3) At that meeting each contributing authority may be represented by 1 delegate. The delegates of the contributing authorities attending the meeting shall hear such submissions as the Board may make in support of its budget and levy.
- (4) The delegates shall make recommendations to their authorities who shall inform the Board of such recommendations within 14 days of the hearing held in accordance with subsection (3).
- (5) If an agreement cannot be reached within 28 days of the hearing held in accordance with subsection (3), regarding the total of the levies proposed, the contributing authorities may resolve that the total levy be reduced to an amount being not less than the total levy made in respect of the previous year.

17 Calculation of levy

A method for the apportionment of levies between the contributing authorities shall be determined in accordance with Schedule 2 for a period of 5 years commencing in July 1996, and thereafter from time to time to be determined by the contributing authorities between them as required, but if the contributing authorities fail to agree on an apportionment method, the method shall be that set out in Schedule 2. In any formula agreed between the contributing authorities a contribution shall be made by each contributing authority in recognition of the regional importance of the Museum.

18 Payment of levies

The amount of the levy for each financial year ending with 30 June shall be paid by each contributing authority, either from its general revenues or from the proceeds of the rate provided for in section 20,—

- (a) in 1 lump sum in the month of September in that financial year; or
- (b) by 3 equal instalments in the months of September, December, and March in that financial year.

19 Annual report

- (1) The Board shall prepare and adopt, in respect of each financial year, a report assessing the performance of the Board against the policies, objectives, activities, performance targets, indicative costs, and sources of funds specified in the plan adopted in respect of that financial year under section 15.
- (2) The report adopted under subsection (1) shall contain audited financial statements for the Board for the financial year consisting of—
 - (a) a statement of financial position; and
 - (b) an overall operating statement; and
 - (c) a statement of cash flows; and
 - (d) such other statements as may be necessary to fairly reflect the financial position of the Board, the resources available to it, and the financial results of its operations.
- (3) The report adopted under subsection (1) shall contain—
 - (a) the auditor's report—
 - (i) on the financial statements specified in subsection (2); and
 - (ii) on the performance targets and other measures by which performance has been judged in relation to the objectives; and
 - (b) such other information as is necessary to enable an informed assessment of the operations of the Board, including a comparison between the actual performance of the Board for the financial year and the projected performance of the Board for the financial year as set out in the plan adopted in respect of the financial year under section 15.

- (4) The report adopted under subsection (1) shall be adopted before the end of the fifth month after the close of the financial year to which it relates.
- (5) Where the Board adopts a report under this section, it shall—
 - (a) make that report available for public inspection, during ordinary office hours, at its office; and
 - (b) within 20 days after its adoption, send copies of the report to each contributing authority and every other body referred to in section 5(2).

20 Power to rate

- (1) Each contributing authority may set and assess a rate or a charge in its district (to be known as the Otago Museum rate) for the purpose of providing the contribution payable to the Board under this Act.
- (2) The Local Government (Rating) Act 2002 applies to the rate.

Section 20: substituted, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

21 Borrowing powers

- (1) The Board may from time to time borrow such sums of money as it considers necessary for carrying out its functions under this Act.
- (2) Any loan raised by the Board shall have the prior written approval of the Dunedin City Council.
- (3) In addition to any other borrowing powers the Board may have, it may, in anticipation of its revenue, from time to time, borrow money from its bankers by way of overdraft, or from any person or persons, for the purpose of ensuring efficient and effective cash management.

22 Investment of money

Subject to the terms of any trust or endowment, any money held by or on behalf of the Board and available for investment must be invested in accordance with the Trusts Act 2019.

Section 22: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

23 Application of income and capital

- (1) Subject to the terms of any trust or endowment, the income and capital of the Board shall be applied in doing whatever the Board thinks expedient to enable the Board to accomplish the purposes for which it is established.
- (2) Without limiting the generality of subsection (1), the Board may from time to time transfer any of its income to the capital of the fund created for any 1 or more of the purposes for which that income may be applied.

24 Unplanned expenditure

The Board may in every year, out of its funds, expend for purposes not authorised by any Act or law for the time being in force, any sum or sums not amounting in the aggregate to more than 0.5% of its total expenditure for that year.

25 Travelling allowances and expenses

There shall be payable to members of the Board, and of any committee of the Board, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951 as if they were members of a statutory Board within the meaning of that Act.

26 Members of Board and committees not personally liable

Subject to sections 44 to 46 of the Local Government Act 2002 (which apply to the Board as if it were a local authority), no member of the Board, or of any committee of the Board, is personally liable for any act or default done or made by the Board or committee, or by any member of the Board or committee, in good faith in the course of the operations of the Board or committee.

Section 26: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

27 Audit of Board's accounts

- (1) The Board must keep full and correct accounts of all money received and expended by it.
- (2) The Board is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Section 27: substituted, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

28 Contributing authorities to report on involvement

Each contributing authority shall include in its annual report prepared under section 98 of the Local Government Act 2002, in respect of each financial year ending with 30 June, information concerning its involvement with, and its financial contributions to, the Board.

Section 28: amended, on 1 July 2003, pursuant to section 266 of the Local Government Act 2002 (2002 No 84).

29 Repeals

The following enactments are hereby repealed:

- (a) the Otago Museum Trust Board Act 1955:
- (b) the Otago Museum Trust Board Amendment Act 1968:
- (c) the Otago Museum Trust Board Amendment Act 1973:
- (d) the Otago Museum Trust Board Amendment Act 1978.

Schedule 1
Joint appointment of member to Trust Board

s 5(3)

If, at the commencement of this Act, the contributing authorities cannot agree upon the appointment of a member to the Board to represent them jointly, that member shall be appointed by the Clutha District Council for a period of 5 years. At the conclusion of that period the joint member to the Board shall be appointed by the District Council making the largest financial contribution to the continuation of the institution and to the finances and administration of the Board.

Schedule 2

Calculation of levies

s 17

If the contributing authorities fail to reach agreement on an apportionment method, the contribution by the contributing authorities shall be as follows, inflation adjusted (CPI) with the base year being 1996–97:

The Central Otago District Council shall pay \$10,000.

The Clutha District Council shall pay \$81,000.

The Waitaki District Council shall pay \$20,000.

The Dunedin City Council shall fund its portion of the levy to the extent of the difference between the 3 contributions above and the levy of the Museum.

Local Government (Rating) Act 2002

Public Act	2002 No 6
Date of assent	30 March 2002
Commencement	see section 2

1 Title

This Act is the Local Government (Rating) Act 2002.

Part 1

Preliminary and key provisions

Subpart 1—Preliminary provisions

2 Commencement

- (1) Section 137(1), so far as it relates to the item relating to section 122ZAA of the Local Government Act 1974 in Schedule 5, comes into force on the day after the date on which this Act receives the Royal assent.
- (2) The following provisions come into force on the day after the date on which this Act receives the Royal assent, but only for the purpose of rating in a financial year that begins on or after 1 July 2003:
 - (a) section 11, so far as it relates to district valuation rolls; and
 - (b) section 137(1), so far as it relates to—
 - (i) Schedule 4; and
 - (ii) items relating to the Rating Valuations Regulations 1998 in Schedule 5.
- (3) The following provisions come into force on 30 April 2003:
 - (a) section 11, so far as it relates to rating information databases; and
 - (b) sections 27 to 36.
- (4) The rest of this Act comes into force on 1 July 2003.

Part 5
Replacement of rates and miscellaneous matters

Subpart 2—Miscellaneous matters

Amendments, savings, repeals of other enactments, and transitional provisions

137 Amendments to other enactments

- (1) The Acts and regulations specified in Schedules 4 and 5 are amended in the manner indicated in those schedules.
- (2) However, those Acts and regulations continue in force as if they had not been amended to the extent necessary for the levying and collection of rates made or levied for the financial year ending on 30 June 2003 or a previous financial year.

Reprints notes

1 *General*

This is a reprint of the Otago Museum Trust Board Act 1996 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Trusts Act 2019 (2019 No 38): section 161

Local Government Act 2002 (2002 No 84): sections 262, 266

Local Government (Rating) Act 2002 (2002 No 6): section 137(1)

Local Electoral Act 2001 (2001 No 35): section 152(1)

Public Audit Act 2001 (2001 No 10): section 53