Reprint
as at 1 November 2010

Museum of Transport and Technology Act 2000

Private Act	2000 No 1
Date of assent	6 March 2000
Commencement	see section 2

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Note
Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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Preamble

(1) The Museum of Transport and Technology, which opened in 1964 on land in the Western Springs Reserve leased from the Auckland City Council by the Museum of Transport and Technology Trust Board, displays examples of New Zealand's and Auckland's transport and technological heritage, and has as its core activities the conservation of that heritage, education concerning that heritage, and recreation involving that heritage:

(2) Visitors to and users of the Museum come from all local authority areas in the Auckland region:

(3) The Trust Board wishes the Museum to be securely funded by all local authorities in the Auckland region, on a basis taking account of the capital values and populations of their areas:

(4) If the Museum is to be funded by those local authorities, it is desirable that they should have a formal role in its governance:

(5) The objects of this Act cannot be attained otherwise than by legislation.

1 Title

This Act is the Museum of Transport and Technology Act 2000.

2 Commencement

This Act comes into force on 1 April 2000.

3 Interpretation

In this Act, unless the context otherwise requires,—

annual plan means the annual plan described in section 20

Auckland Council means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

Board means the Museum of Transport and Technology Board established by section 4(1)

Director means the person for the time being holding office under section 15

establishment day means 1 May 2000

financial year means the period commencing on 1 July and ending with 30 June in any year

Museum means the museum known as the Museum of Transport and Technology; and includes the operations, collections, property, and assets belonging to, in the possession of, or undertaken for that museum both present and future, including those that were, before the coming into force of this Act, owned by the Museum of Transport and Technology of New Zealand Trust Board, together with any other property or rights of any nature whatsoever, whether tangible or intangible, vested in the Museum of Transport and Technology of New Zealand Trust Board

Society means the Museum of Transport and Technology Society established by section 14(1).

Section 3 **Auckland Council**: inserted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 3 **contributing authorities**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 3 **Electoral College**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

4 Constitution and powers of Board

(1) This subsection establishes a body called the Museum of Transport and Technology Board.

(2) The Board is the same body as the body that, immediately before the establishment day, was registered under the Charitable Trusts Act 1957 under the name The Museum of Transport and Technology Trust.

(3) The Board ceases to be registered under the Charitable Trusts Act 1957 on the establishment day; and promptly after that day, the Registrar of Incorporated Societies must amend the register kept under Part 2 of that Act accordingly.

(4) The Board continues to have perpetual succession and a common seal and, for the purpose of its functions under this Act, has 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.

(5) The common seal of the Board must be judicially noted in all courts and for all purposes.

5 Members of Board

(1) The Board consists of 10 members of whom—

(a) 6 are to be appointed by the Auckland Council; and

(b) 4 are to be appointed by the Society under section 14 of this Act.

(2) The members of the Board appointed pursuant to this section must be persons who, in the opinion of those appointing them, have the management skills, experience, and professional judgment necessary for the carrying out of the Museum's functions and achievement of the objectives as set out in sections 12 and 13.

(3) No person who is currently an elected or appointed member of the Auckland Council, the chief executive of the Auckland

Council, an employee of the Auckland Council who reports directly to the chief executive, or a member of the Museum staff may be appointed or remain a member of the Board.

(4) *[Repealed]*

(5) *[Repealed]*

(6) *[Repealed]*

Section 5(1)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(4): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(5): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(6): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

6 Term of office of Board members

(1) Subject to section 7, every Board member is appointed for a term of 2 years commencing on the expiry of the previous term of appointment to that office.

(2) Every member is eligible for reappointment from time to time.

(3) Where the term of appointment of a member expires or ceases, that member, unless sooner vacating or deemed to be removed from office pursuant to section 7(1), continues to hold office by virtue of appointment for the term that has expired until—

(a) that member is reappointed; or

(b) a successor to that member is appointed.

(4) *[Repealed]*

(5) *[Repealed]*

Section 6(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 6(4): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 6(5): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

7 Extraordinary vacancies

(1) The term of appointment of a Board member ceases and the vacancy so created is an extraordinary vacancy if that member—

(a) dies or becomes a person referred to in section 5(3); or

(b) is declared bankrupt; or

(c) becomes the subject of an order under section 383 of the Companies Act 1993; or

(d) is absent without leave from 2 consecutive meetings of the Board; or

(e) resigns office by written notice to the Secretary of the Board (but in that case, if the terms of resignation so permit, the member may continue to hold office until his or her successor is appointed); or

(f) is convicted of an offence punishable by a term of imprisonment of 2 years or more; or

(g) becomes subject to a compulsory treatment order made under Part 2 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or becomes a special patient as defined in section 2(1) of that Act; or

(h) becomes a person in respect of whom an order is made pursuant to the Protection of Personal and Property Rights Act 1988.

(2) An extraordinary vacancy must be filled in the manner in which the appointment to the vacant office was originally made, and the member so appointed holds office only for the residue of the term of the vacating member.

(3) Where an extraordinary vacancy occurs within 6 months before the date fixed for the next appointment to the office vacated, the appointing body may determine that the vacancy will not be filled.

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

Section 7(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

8 Meetings of Board and appointment of chairperson and deputy chairperson

(1) The first meeting of the Board must be called by the Director as soon as practicable after the establishment day and must be chaired by the Director until a chairperson is elected from the members of the Board.

(2) At the first meeting of the Board the members must elect from their number a chairperson and a deputy chairperson.

(3) The chairperson and deputy chairperson must be elected annually and may stand for re-election.

(4) The chairperson must preside at all meetings of the Board at which he or she is present and has such other functions, powers, and duties as may be delegated to him or her by the Board from time to time.

(5) The deputy chairperson must act in place of the chairperson in any case where the chairperson is absent or for any reason unable to act. In the absence of the chairperson and the deputy chairperson from any meeting the members present must appoint one of their number to be the chairperson of that meeting.

(6) Every question before the Board must be decided in open voting by a majority of the votes recorded on it.

(7) At any meeting of the Board the person presiding has a deliberative vote and, in the case of an equality of votes, also has a casting vote.

(8) Notwithstanding the provisions of subsections (4) and (5) or any other provisions of this Act, in the case of all meetings held for the purpose of considering and preparing the draft annual plan, the Board must appoint as chairperson for such meetings a member holding office under section 5(1)(a).

9 Procedural rules

(1) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(2) The Board must, as soon as is practicable, adopt such procedural rules governing its affairs and the conduct of its meetings as it considers appropriate.

(3) Notwithstanding subsection (2), meetings of the Board must be conducted in public unless good grounds exist for excluding the public.

(4) Part 7 of the Local Government Official Information and Meetings Act 1987 applies to the Board as if the Board were a local authority subject to that Part.

10 Remuneration of members of Board

(1) Members of the Board may be paid such remuneration as the Board from time to time considers appropriate, but in fixing the level of remuneration the Board must have regard to the public purpose of its functions and the extent of public funding of its activities.

(2) Nothing in subsection (1) authorises the Board to pay remuneration to any member of the Board in any financial year of a greater amount than is specified in the annual plan adopted for that financial year.

11 Board established for charitable purposes

(1) The Board and the Society are deemed to be established exclusively for charitable purposes within New Zealand, and all actions carried out by either of them pursuant to this Act are deemed to be carried out exclusively for charitable purposes.

(2) Any business carried on by the Board or by the Society is deemed to be carried on exclusively for charitable purposes within New Zealand and not for the pecuniary gain of any person.

12 Objectives

In carrying out its functions under section 13, the Board must recognise and provide for, in such manner as it considers appropriate, the following:

(a) the recording and presentation of the history of transport and technology and the effect it has had on the Auckland region, New Zealand, and, in more general terms, the rest of the world:

(b) conservation of the heritage of the Museum, the Museum heritage buildings, and its collections:

(c) biculturalism and the spirit of partnership and goodwill envisaged by the Treaty of Waitangi:
(d) education which involves and entertains people to enrich their lives and promote the well-being of society:
(e) the advancement and promotion of historical and scientific scholarship and research:
(f) achievement of customer satisfaction by consultation, responsiveness, and continuous improvement:
(g) leadership through professionalism, innovation, and co-ordination of effort with relevant organisations:
(h) greater financial self-sufficiency through the prudent operation of compatible revenue-producing and fund-raising activities which supplement public funding:
(i) providing maximum community benefit from the resources available.

13 Duties, functions, and powers of Board

(1) Board members must act at all times in the interests of the Museum rather than in the interests of the body appointing them.

(2) The duties, functions, and powers of the Board are—
(a) to assume or to continue to hold ownership and possession of the Museum and its collections:
(b) to exercise trusteeship in accordance with the terms of the respective trusts in respect of all assets, ownership of which has previously been vested in the Museum of Transport and Technology of New Zealand Trust Board or which may in the future be vested in the Board, subject to any trust:
(c) to observe and encourage the spirit of partnership and goodwill envisaged by the Treaty of Waitangi, the implications of mana Maori, and elements in the care of Maori cultural property that only Maori can provide:
(d) to maintain, manage, and develop, adequately the Museum and its collections:
(e) to take such actions as it considers necessary or desirable to further the objectives set out in section 12:

(f) to develop appropriate sources of income additional to funding by the Auckland Council:
(g) to support the Society:
(h) to exercise the power of appointment of a Director in accordance with section 15:
(i) to establish for the guidance of the Director broad lines of policy consistent with the objectives of the Museum and paragraphs (a) to (h):
(j) to delegate, to committees or members of the Board, the Director, or other persons or bodies, such specific duties as the Board considers are best performed by those committees, persons, or bodies:
(k) to manage prudently the finances of the Museum.

(3) The Board has such powers, not inconsistent with this Act, as are reasonably necessary for the effective performance of its functions.

(4) On and from the establishment day, no person or body other than the Board is responsible for the maintenance, management, and development of the Museum.

Section 13(2)(f): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

14 Establishment of Museum of Transport and Technology Society

(1) This subsection establishes a body called the Museum of Transport and Technology Society.

(2) The Society is the same body as the body that, immediately before the establishment day, was registered under the Incorporated Societies Act 1908 under the name The Society of the Museum of Transport and Technology of New Zealand (Incorporated).

(3) The Society ceases to be registered under the Incorporated Societies Act 1908 on the establishment day; and promptly after that day, the Registrar of Incorporated Societies must amend the register kept under section 33(1) of that Act accordingly.

(4) The objects of the Society are to—
(a) support the Museum in its objectives and functions as specified in sections 12 and 13:

(b) affiliate with other societies, as the Society may from time to time consider appropriate.

(5) The Society must govern its own affairs through a Committee elected in accordance with rules adopted and amended from time to time by the Society.

(6) The Society Committee must call for nominations and exercise on behalf of the Society the powers of appointment to the Board conferred by this Act.

(7) The existing rules of the Society remain in force until amended, except to the extent that they are inconsistent with the provisions of this Act.

15 Director

(1) The Board must from time to time appoint a chief executive of the Museum.

(2) The Board must, in making any appointment under subsection (1), have regard to the need to appoint a person who—

(a) can discharge the specific responsibilities placed on the appointee; and

(b) will imbue the paid and unpaid employees of the Museum with a spirit of service to the community; and

(c) will promote efficiency in the Museum; and

(d) will be a responsible manager; and

(e) will maintain appropriate standards of integrity and conduct among the paid and unpaid employees of the Museum; and

(f) will ensure that the Museum is a good employer; and

(g) will promote equal employment opportunities.

(3) The Director must be appointed for a term of not more than 5 years, but is eligible for reappointment from time to time.

(4) The Board must appoint the Museum's first Director within 3 months after the commencement of this Act.

(5) The existing Museum manager continues in office and carries out all of the functions and responsibilities of the Director until the Director is appointed.

16 Responsibilities of Director

The Director is responsible to the Board for—

(a) employing, on behalf of the Board, staff of the Museum and negotiating their terms and conditions of employment:
(b) implementing the decisions of the Board and ensuring that the affairs of the Board are conducted in a transparent and accountable manner:
(c) providing services and advice to members of the Board:
(d) ensuring the effective, efficient, and economic management of the activities and planning of the Board in accordance with the objectives set out in section 12:
(e) ensuring that obligations imposed by the Treaty of Waitangi as they affect the Museum are taken into account:
(f) carrying out such other functions as may be delegated to him or her by the Board:
(g) maintaining liaison with the Auckland Council.

Section 16(g): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

17 General employment principles

(1) The Board must adopt, and the Director must implement, a personnel policy that complies with the principle of being a good employer.

(2) For the purposes of this section, 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; and
(c) the impartial selection of suitably qualified persons for appointment; and
(d) recognition of—
(i) the aims and aspirations of Maori people; and
(ii) the employment requirements of Maori people; 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) In addition to the requirements specified in subsections (1) and (2), the Board and the Director must ensure that all employees maintain proper standards of integrity, conduct, and concern for the public interest.

18 Transfer of existing employees

(1) All persons who, immediately before the establishment day, were employed by the Museum of Transport and Technology of New Zealand Trust Board, on the establishment day transfer to or continue in the employment of the Board on the same terms and conditions, including preservation of continuity of service and the rights which arise in respect of length of service.

(2) For the avoidance of doubt, it is declared that no person to whom subsection (1) applies is entitled to receive any payment or other benefit by reason only of the operation of subsection (1).

19 Continuity of Board's rights and obligations

(1) Subject to subsection (3), ownership and possession of the Museum, by operation of this Act, vests or continues to vest in the Board on and after the establishment day.

(2) On and after the establishment day the Board has or continues to have, and is responsible for, all rights and obligations which previously reposed in the Museum of Transport and Technology of New Zealand Trust Board in respect of the property and rights described in subsection (1).

(3) Every appointment of the Museum of Transport and Technology of New Zealand Trust Board as beneficiary, trustee, custodian, or guardian of any collections, gifts, bequests, or cultural or historical property of any kind, or as agent or as a fiduciary in any capacity, whether by will or other instrument or by statute, on the establishment day vests or continues to vest in and is deemed to be an appointment of the Board; and

the Board has the rights, powers, capacities, authorities, duties, liabilities, and obligations of the Museum of Transport and Technology of New Zealand Trust Board in respect of and arising from every such appointment.

(4) The vesting of all property or rights of any nature, whether tangible or intangible, in the Board pursuant to this section is not a disposition of property for the purposes of the Estate and Gift Duties Act 1968, or a conveyance for the purposes of the Stamp and Cheque Duties Act 1971, or a disposal for the purposes of sections EE 48 to EE 52 of the Income Tax Act 2007.

(5) The vesting of all property or rights of any nature, whether tangible or intangible, in the Board pursuant to this section is charged with goods and services tax at the rate of 0%.

(6) Nothing in this Act—

(a) has the effect of placing the Board or any other person in breach of contract or breach of trust or otherwise in breach of any civil obligation; or

(b) gives rise to a right for any person (including the Crown) to terminate or cancel any contract or arrangement or to accelerate the performance of any obligation; or

(c) releases any surety (including the Crown) wholly or in part from all or any obligation; or

(d) invalidates or discharges any contract or security (including any contract or security to which the Crown is a party); or

(e) places the Museum of Transport and Technology of New Zealand Trust Board, the Board, or any other person (including the Crown) in breach of any contractual provision prohibiting, restricting, or regulating the assignment or transfer of any property or disclosure of any information.

(7) The resolutions, acts, and omissions of the Museum of Transport and Technology of New Zealand Trust Board before the establishment day are deemed to be resolutions, acts, and omissions of the Board.

Section 19(4): amended, on 1 April 2008 (effective for 2008–09 income year and later), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 19(4): amended, on 1 April 2005 (effective for 2005–06 tax year and later), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

20 Annual plan

(1) The Board must prepare for each financial year a draft annual plan, which must outline in particular terms for the financial year to which the plan relates, and in general terms for each of the following 2 financial years,—

(a) subject to section 12, the intended significant policies and objectives of the Board; and

(b) the nature and scope of the significant activities to be undertaken; and

(c) the performance targets and other measures by which performance may be judged in relation to the objectives; and

(d) the indicative costs of the activities of the Board; and

(e) the sources of funds for those activities; and

(f) the details of any proposed charges to be made for access to any part or parts or service or services of the Museum; and

(g) the indicative amount of the levy which is proposed under section 21; and

(h) the maximum remuneration payable by the Board during the financial year to any member of the Board pursuant to section 10(2).

(2) During the preparation of, and before the publication of, the draft annual plan, the chairperson of the Board must meet with a person appointed by the Auckland Council for the purpose as often as may be necessary to determine if aspects of the annual plan, including the amount of the proposed levy, should be referred to a meeting or meetings of the Auckland Council, either jointly with the Board or separately, for consideration before the draft annual plan is published.

(3) The draft annual plan must include an explanation of any significant changes between the policies, objectives, activities, and performance targets proposed in the draft annual plan and those specified in the annual plan adopted for the immediately preceding financial year.

(4) The draft annual plan must, immediately after it has been prepared to the satisfaction of the Board, be made available to the general public and forwarded to the Auckland Council and the Society.

(5) Any person, including the Auckland Council and the Society, may, within 1 month after publication of the draft annual plan, make a written submission to the Board in relation to any matters contained in the draft annual plan.

(6) *[Repealed]*

(7) The Board must give to every person making a submission under subsection (5) a reasonable opportunity to appear and be heard in relation to that submission.

(8) Subject to section 9(3), every meeting of the Board (or of any committee of the Board) at which submissions are heard, or at which the Board deliberates, on the proposed annual plan must be open to the public.

(9) After considering the submissions and making such modifications to the draft annual plan as the Board may consider appropriate in the light of the submissions, the Board must refer the draft annual plan to the Auckland Council for approval of the levy.

(10) If the Board and the Auckland Council cannot reach agreement on the amount of the levy, the dispute must be referred to an independent arbitrator appointed by them both (or by the Local Government Commission continued by section 28 of the Local Government Act 2002 if they are unable to agree on the person to be appointed), who will determine the levy taking into account the minimum obligations placed on the Board by this Act and the submissions of both parties, and the levy so determined is the levy to be made for that financial year under section 21(1).

(11) Every determination pursuant to subsection (10) must be made in time for the Board to comply with its responsibilities under section 21(5) on or before 30 April immediately preceding the commencement of the financial year to which the levy relates and the Board and the Auckland Council must comply with the requirements of subsections (1) to (10) by such dates as will enable the requirements of this subsection to be met.

(12) After approval of the levy (either in the amount stipulated in the draft annual plan referred to the Auckland Council under subsection (9) or in such other amount as may subsequently be agreed upon between the Board and the Auckland Council) or determination of the levy pursuant to subsection (10), the Board must adopt the draft annual plan as referred to the Auckland Council under subsection (9), subject to any modifications required by any difference in the amount of the levy agreed with the Auckland Council or determined pursuant to subsection (10).

(13) The annual plan must be adopted by the Board no later than 30 April immediately preceding the commencement of the financial year to which the annual plan applies.

(14) Within 20 days of adopting the annual plan, the Board must—

(a) make a copy available for public inspection at its office; and

(b) publish in a daily newspaper circulating in Auckland a notice that a copy is available for public inspection at its office; and

(c) send a copy to the Auckland Council and the Society.

Section 20(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(5): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(6): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(9): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(10): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(11): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(12): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(14)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

21 Contribution by Auckland Council to Museum funding

(1) Subject to the provisions of subsection (7), the Board may, for each financial year, for the purposes of funding its activities (including maintenance, operations, and development) under this Act, by resolution make a levy against the Auckland Council of such amount and in such manner as is authorised or is required by this Act.

(2) The total amount of the levy must not exceed in any year 1/300 c in the dollar on the total capital value of rateable property in the Auckland Council's district plus 1.5 c per person of the population of the Auckland Council's district.

(3) *[Repealed]*

(4) For the purposes of this section,—

(a) the capital value of rateable property within the district of the Auckland Council is deemed to be the capital value of that property as at a date as near as is reasonably practicable to the last day of the financial year preceding by 1 year the financial year in respect of which the levy is to be made:

(b) the population of the district of the Auckland Council is deemed to be that which is ascertained or calculated by the Government Statistician as at a date as near as is reasonably practicable to the last day of the financial year preceding by 1 year the financial year in respect of which the levy is to be made, and a certificate by the Government Statistician is conclusive evidence in that respect.

(5) The Board must, in the resolution referred to in subsection (1), or, if the levy is fixed by arbitration, in a separate resolution for that purpose, fix the amount to be levied against the Auckland Council, and a copy of the resolution must be forwarded to the Auckland Council on or before 30 April preceding the financial year in respect of which the levy is made. The relevant amount so levied is due and payable by the Auckland Council on 1 July next following, and must be paid out of the general revenues of the Auckland Council.

(6) *[Repealed]*

(7) The Board must not make any levy under this section until the annual plan for that financial year has been adopted under section 20(13).

Section 21 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(3): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(4)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(4)(a): amended, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 21(4)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(5): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(6): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

22 Separate rate

[Repealed]

Section 22: repealed, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

23 Members of Board not personally liable

(1) No member of the Board is personally liable for any act done or default made by the Board or any member of the Board in good faith in the course of the operations of the Board.

(2) No person incurs personal liability as a result of having joined in or acted on any resolution of the Museum of Transport and Technology of New Zealand Trust Board made before the establishment day in any circumstances in which the person would not incur personal liability in joining in or acting on any resolution of the Board.

24 Auditor

The Auditor-General is the Board's auditor; and, for the purpose of performing that function, has and may exercise and perform all the Auditor-General's functions, duties, and powers under the Public Audit Act 2001.

Section 24: substituted, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

25 Annual report

(1) The Board must 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 annual plan adopted in respect of that financial year under section 20.

(2) The report adopted under subsection (1) must contain audited financial statements for the 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) must 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 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 20.

(4) The report referred to in subsection (1) must be adopted before the end of the fifth month after the close of the financial year to which it relates.

(5) Within 20 days of adopting the report, the Board must—

(a) make a copy available for public inspection at its office; and

(b) publish in a daily newspaper circulating in Auckland a notice that a copy is available for public inspection at its office; and

(c) send a copy to the Auckland Council and the Society.

Section 25(5)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

26 Auckland Council to report on involvement

The Auckland Council must include in its annual report prepared under section 98 of the Local Government Act 2002, in respect of each financial year, information concerning its involvement with, and its financial contributions to, the Board.

Section 26 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 26: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

27 Registers

(1) No Registrar of Deeds or District Land Registrar or other person charged with the keeping of any books or registers is obliged solely by reason of this Act to change the name of the Board in those books or registers or in any document.

(2) The presentation to any such Registrar or person of any instrument, whether or not comprising an instrument of transfer by the Board,—

(a) executed or purporting to be executed by the Board; and

(b) relating to the property, rights, and appointments defined in section 19(1), (2), and (3); and

(c) containing a recital that the name of the Board has been changed by virtue of this Act or, as the case may require, that the property, rights, or appointments concerned have vested in the Board by virtue of this Act—

is, in the absence of proof to the contrary, sufficient evidence that the name of the Board has been changed or that the property, rights, or appointments referred to in that instrument is or are vested in the Board.

(3) Except as provided in this section, nothing in this Act derogates from the provisions of the Land Transfer Act 1952.

(4) The Registrar of a register relating to property or rights which is transferable only in books kept by a company or in a manner directed by or under an Act must, on written application under the seal of the Board, register the Board in its new name as the holder of that property or right.

28 Amendments to other Acts

Amendment(s) incorporated in the Act(s).

29 Interim control

Between the coming into force of this Act and the establishment day, the Museum of Transport and Technology of New Zealand Trust Board continues to be responsible for the Museum.

30 Private Act

This Act is a private Act.

Schedule

ss 3, 21(3)

Representatives of contributing authorities

[Repealed]

Schedule: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

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.

Contents

1 General
2 Status of reprints
3 How reprints are prepared
4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
5 List of amendments incorporated in this reprint (most recent first)

Notes

1 General

This is a reprint of the Museum of Transport and Technology Act 2000. The reprint incorporates all the amendments to the Act as at 1 November 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* http://www.pco.parliament.govt.nz/reprints/.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see* http://www.pco.parliament.govt.nz/editorial-conventions/ or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as "of this section" and "of this Act")
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as "the 1st day of January 1999" is now expressed as "1 January 1999")

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 List of amendments incorporated in this reprint (most recent first)

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)

Income Tax Act 2007 (2007 No 97): section ZA 2(1)

Income Tax Act 2004 (2004 No 35): section YA 2

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

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

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