

2. MEMBERSHIP OF RICCARTON BUSH TRUST

Officer responsible General Manager Regulation & Democracy Services	Author Peter Mitchell, DDI 941-8549
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The purpose of this report is to seek the Council's approval to six current office holders continuing in office as members of the Riccarton Bush Trustees until the Council makes new appointments in the first half of 2005.

BACKGROUND

The Riccarton Bush Trustees is a statutory body constituted by the Riccarton Bush Trust Act 1914. The Christchurch City Council has the right to appoint six persons to this statutory body.

The current Council appointees with the expiry date of their terms are:

Councillor Ganda	:	9 December 2003
Councillor Stewart	:	24 February 2004
Councillor Helen Broughton	:	15 December 2003
Mr David Buist	:	9 December 2003
Mr Mike Mora	:	15 December 2003
Mrs Alison Wilkie	:	15 December 2003.

The 1914 Act requires that members be appointed for a term of five years and there is no ability under the Act for the Council to appoint persons for a term of less than five years. If the Council were to make new appointments at this time, then those appointments would have to be for another term of five years. The Trustees have written to the Council asking that the existing Council appointments remain until after October 2004 and that any change resulting from the Council's then consideration, or any potential amendments to the 1914 Act, only apply from the commencement of the term of the incoming Council.

The Act provides that any member of the Riccarton Bush Trustees remains in office until his or her successor is nominated. Section 6 of the Act provides that it is the duty of the Trustees to give notice to the Council, once the term of office has expired, that the Council needs to appoint a successor. If the Council fails to nominate a successor, then the Governor-General may appoint a successor.

The Riccarton Bush Trustees have now given notice to the Council that the six appointments referred to above have now expired. As the Council cannot appoint members for a term of less than five years, then the Council need not make any new appointments and in accordance with the provisions of the Act, those members whose term has expired will remain in office until the Council nominates successors.

This state of affairs can continue until the Council nominates its successors to the Board early in 2005. It is improbable that the Governor-General would wish to directly appoint successors to these positions in the absence of any consent by the Council to do so.

- Recommendation:**
1. That the Council not appoint successors to the six persons referred to above at this time and the Council confirm that those persons remain in office until successors are appointed by the Council.
 2. That the Council consider the matter of appointing successors to the Riccarton Bush Trustees by its March 2005 meeting.