

25. CANTERBURY MUSEUM TRUST BOARD ACT 1993

General Manager responsible:	General Manager Regulation and Democracy Services , DDI 941- 8462
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PURPOSE OF REPORT

1. The purpose of the report is to ask the Council to approve the attached draft response to the Canterbury Museum Trust Board.

EXECUTIVE SUMMARY/BACKGROUND

2. The Council has received the attached request (**Attachment A**) from the Canterbury Museum Trust Board. The Trust Board refers to discussions over the last few years about the need to review and update the Museum's empowering statute, the Canterbury Museum Trust Board Act 1993 (**Attachment B**). The Museum notes that it has received formal requests in each of the last two years from Waimakariri District Council and Hurunui District Council in this regard. As staff understand it, the concerns of these two councils relate principally to the levies that they are required to pay under the Act.
3. The Museum Trust Board is now looking at two aspects of this question: the timing of any review/change, and the issues with the present Act which lie at the heart of the two Councils' concerns. Consequently, the Museum has asked each of the contributing local authorities to seek a "written listing" of the parts of the present Act that are of concern, plus any issues that may not be adequately covered by, or included in, the present Act.
4. The Council appoints four out of 11 members to the Board. The current Christchurch City Council appointed members are the Mayor, Councillor Chen and Councillor Reid, and Mr Gill Cox.
5. Staff do not have any concerns about the current wording of the Act. Furthermore staff have not identified any issues from the Christchurch City Council perspective that are not adequately covered by, or included in, the present Act.
6. The proposed response to the Canterbury Museum Trust Board is attached (**Attachment C**).

FINANCIAL IMPLICATIONS

7. There are no immediate financial implications for the Council in making this response to the Canterbury Museum Trust Board. However, depending on the outcome of any review and subsequent change in legislation, there may be some financial implications for the Council in the future.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

8. Making a submission is not a matter that would normally be provided for in the LTCCP budgets.

LEGAL CONSIDERATIONS

9. The Preamble to the current Act provides that "*Whereas the Canterbury Museum is a non-profit-making permanent institution, founded by the people of Canterbury for the service and development of their community: And whereas the Museum acknowledges a particular responsibility for the natural and cultural heritage of the wider Canterbury region: And whereas responsibility for the maintenance and development of the said institution should continue to be widely shared.*" The Act goes on to set out the objectives of the Museum which are to
 - (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 and cultural heritage of New Zealanders:*

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- (b) *to promote interest and education in the natural and cultural heritage of New Zealanders:*
- (c) *to place particular emphasis on those activities as they relate to the greater Canterbury region, the Antarctic and Subantarctic, and, where appropriate, their relationships in a wider global context.*
10. As mentioned above, the governing body of the Museum is the Canterbury Museum Trust Board. The Board consists of-
- (a) Four members appointed by the Christchurch City Council:
- (b) One member appointed jointly by the Hurunui and Waimakariri District Councils:
- (c) One member appointed jointly by the Selwyn and Banks Peninsula District Councils:¹
- (d) One member appointed by the University of Canterbury:
- (e) One member appointed by the Canterbury Branch of the Royal Society of New Zealand:
- (f) One member appointed by Te Runanga o Ngai Tahu:
- (g) One member appointed by the Association of Friends of Canterbury Museum:
- (h) One member appointed by the Canterbury Pilgrims' and Early Settlers' Association.
11. The appointments take place within three months after each triennial general election.
12. The Act requires the Canterbury Museum Trust Board to prepare and adopt an annual plan for each financial year. The plan includes the levies to be paid by the contributing local authorities. The contributing local authorities are Christchurch City Council, Selwyn District Council, Waimakariri District Council, and Hurunui District Council. The draft annual plan is referred to the contributing authorities for a period of six weeks ending no later than 31 May in each year. The Board then considers all submissions received in respect of the draft annual plan before amending and finalising the plan.
13. The levies are apportioned in accordance with a formula set out in the Act. The formula relies on the population of each contributing authority as well as factors that are set in the Schedule to the Act. The factors are:
- | | |
|------------------------------|------|
| Christchurch City Council | 1.00 |
| Selwyn District Council | 0.45 |
| Waimakariri District Council | 0.45 |
| Hurunui District Council | 0.30 |
14. The Act includes an objection process. The levies proposed in the draft Annual Plan may be objected to by the Christchurch City Council or two or more of the remaining contributing authorities and if an objection is received the Board must convene a meeting. The Christchurch City Council or not less than three other contributing authorities may resolve that the levy be reduced to an amount which is not less than the total levy made in respect of the previous year. The proposed levies are binding on the four contributing authorities, unless the Christchurch City Council or three of the other contributing authorities resolve to hold the levies.

Have you considered the legal implications of the issue under consideration?

15. Yes, as above. The current Act does not raise any particular issues for this Council.
16. It is noted that the current Christchurch City Council appointed members are the Mayor, Councillor Chen and Councillor Reid, and Mr Gill Cox.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. The LTCCP provides that the Council operates the art gallery and museums to celebrate artistic diversity and to encourage participation in cultural activities. It goes on to state that Council funding is provided to the Canterbury Museum as required by statute.

¹ Note in the Local Government (Banks Peninsula District) Reorganisation Order 2005 it provides that paragraph (c) is to be read

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Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

18. Yes.

ALIGNMENT WITH STRATEGIES

19. The Council's Arts Policy and Strategy provides that the Christchurch City Council is committed to achieving an enlivened and creative city in which the arts are widely recognised as being essential.

Do the recommendations align with the Council's strategies?

20. Yes.

CONSULTATION FULFILMENT

21. At this initial stage of the review, staff have not consulted with external parties to gather views and preferences.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Receives this report; and
- (b) Approves the proposed response to the Canterbury Museum Trust Board.