

CARTER OBSERVATORY AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Carter Observatory Act 1938.

Clause 1 relates to the Short Title to the Bill.

Clause 2 amends section 2 of the principal Act so as to define the term "Minister" as meaning the Minister of Science and Technology. The present definition refers to the Minister of Science.

Clause 3 reconstitutes the Carter Observatory so as to make provision for more than one astronomical observatory. The existing observatory in Wellington is to be the principal observatory of the Carter Observatory, and provision is made for the establishment at any place in New Zealand of further astronomical observatories, to be out-stations of the Carter Observatory.

Clause 4 inserts in the principal Act a new section 3A, which provides that the Carter Observatory shall be the national astronomical observatory of New Zealand, and may promote or carry out such research or activity related to astronomy as the Carter Observatory Board may see fit. The functions of the Observatory may be carried out in collaboration with any other body or person.

Clause 5 provides for the addition to the Carter Observatory Board of an additional member, who shall be nominated by the Minister to represent those local authorities, other than the Wellington City Council, making financial contributions to the Board in terms of section 18 of the principal Act, as set out in *clause 8* of the Bill.

Clause 6 amends section 14 of the principal Act by omitting words that confine the Carter Observatory to the Wellington site.

Clause 7 inserts in the principal Act a new section 14A, which provides that the Board may from time to time, out of its annual income, make grants or pay subsidies to any person or body for the promotion or carrying out of any research or activity related to astronomy, subject to such terms and conditions as the Board may specify.

Clause 8 revises section 18 of the principal Act, which authorises local authorities to contribute to the Board's funds, so as to express the power to contribute in more general terms and extend the section to bodies of persons (whether incorporated or unincorporated) and other persons.

Clause 9 revises section 25A of the principal Act, which relates to unauthorised expenditure, so as to provide that the amount to which the section relates shall not amount in the aggregate to more than 1 percent of the annual income of the Board for the financial year in which the expenditure is incurred.

Hon. Mr Gandar

CARTER OBSERVATORY AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Carter Observatory Act 1938

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title**—This Act may be cited as the Carter Observatory Amendment Act 1977, and shall be read together with and deemed part of the Carter Observatory Act 1938* (hereinafter referred to as the principal Act).

10 **2. Interpretation**—(1) Section 2 of the principal Act, as amended by section 2 of the Carter Observatory Amendment Act 1972, is hereby further amended by repealing the definition of the term "Minister", and substituting the following definition:

15 " 'Minister' means the Minister of Science and Technology:":

(2) Section 2 of the Carter Observatory Amendment Act 1972 is hereby consequentially repealed.

*1938, No. 9
Amendment: 1972, No. 9

3. Establishment of Carter Observatory—The principal Act is hereby amended by repealing section 3, and substituting the following section:

“3. (1) There shall be established, in accordance with this Act, astronomical observatories, to be called the Carter Observatory. 5

“(2) There shall be established in the City of Wellington an astronomical observatory, to be the headquarters and principal observatory of the Carter Observatory, which shall be the same observatory as that called the Carter Observatory before the commencement of the Carter Observatory Amendment Act 1977. 10

“(3) There may be established by the Board at any place in New Zealand further astronomical observatories, to be out-stations of the Carter Observatory.” 15

4. Functions of Carter Observatory—The principal Act is hereby amended by inserting, after section 3, the following section:

“3A. (1) The Carter Observatory shall be the national astronomical observatory of New Zealand, and may promote or carry out such research or activity related to astronomy as the Board may see fit. 20

“(2) The functions of the Observatory may be carried out in collaboration with any other body or person.”

5. Constitution of Board—(1) Section 5 (1) of the principal Act is hereby amended— 25

(a) By omitting the word “nine”, and substituting the expression “10”:

(b) By omitting from paragraph (b) the word “and”:

(c) By adding to paragraph (c) the word “and”. 30

(2) Section 5 (1) of the principal Act is hereby further amended by adding the following paragraph:

“(d) One shall be nominated by the Minister to represent those local authorities, other than the Wellington City Council, making financial contributions to the Board in terms of section 18 of this Act, as set out in section 8 of the Carter Observatory Amendment Act 1977.” 35

6. Functions of Board—Section 14 of the principal Act is hereby amended by omitting the words “on the site mentioned in the next succeeding section”.

7. Grants to astronomers—The principal Act is hereby
5 amended by inserting, after section 14, the following section:
“14A. The Board may from time to time, out of its annual
income, make grants or pay subsidies to any person or body
for the promotion or carrying out of any research or activity
related to astronomy, subject to such terms and conditions as
10 the Board may specify.”

8. Contributions to Board's funds—The principal Act is hereby amended by repealing section 18, and substituting the following section:

“18. Any local authority as defined in section 2 of the Local
15 Authorities Loans Act 1956 for the purposes of Part VI of
that Act, and any body of persons (whether incorporated or
unincorporated) or other person may, unless expressly pro-
hibited from doing so by any enactment or instrument of
trust, make to the Board any donation or gift of money or
20 real or personal property or any annual grants; and the
Board may accept such donations, gifts, and grants.

9. Unauthorised expenditure—(1) The principal Act is hereby amended by repealing section 25A, as inserted by section 11 of the Carter Observatory Amendment Act 1972,
25 and substituting the following section:

“25A. The Board may in each financial year, out of money not appropriated or held in trust for any special purpose, expend for purposes not authorised by this or any other Act for the time being in force any sum or sums not amounting in
30 the aggregate to more than 1 percent of the annual income of the Board for that financial year.”

(2) Section 11 of the Carter Observatory Amendment Act 1972 is hereby consequentially repealed.