



Carter Observatory Act Repeal Act 2010

Public Act 2010 No 34
Date of assent 31 May 2010
Commencement see section 2

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Carter Observatory Act Repeal Act 2010.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1
Preliminary provisions****3 Purposes**

The purposes of this Act are to—

- (a) repeal the Carter Observatory Act 1938; and
- (b) dissolve the Board; and
- (c) transfer the assets of the Board to the Council; and
- (d) vest in the Crown and in the Council the liabilities incurred by the Board; and
- (e) provide for incidental matters.

4 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Carter Observatory Board established by section 4 of the Carter Observatory Act 1938

commencement day means the day on which this Act comes into force

Council means the Wellington City Council.

5 Act binds the Crown

This Act binds the Crown.

**Part 2
Repeal and related matters****6 Repeal of Carter Observatory Act 1938**

The Carter Observatory Act 1938 (1938 No 9) is repealed.

7 Dissolution of Board

On commencement day,—

- (a) the Board is dissolved; and
- (b) the term of office of every member of the Board ends.

8 Transfer of property and liabilities of Board

On and from commencement day,—

- (a) all real and personal property of the Board vests in the Council free of all trusts; and
- (b) all rights of the Board vest in the Council; and
- (c) all money payable to the Board is payable to the Council; and
- (d) all liabilities of the Board incurred prior to 20 December 2007 vest in the Crown; and
- (e) all liabilities of the Board incurred on or after 20 December 2007 vest in the Council; and
- (f) all proceedings pending by or against the Board may be continued, completed, or enforced by or against the Council.

9 Transfer not gift, supply of services, or disposition for certain purposes

To avoid doubt, anything transferred to the Council by section 8 is not—

- (a) a dutiable gift for the purposes of the Estate and Gift Duties Act 1968;
- (b) a supply of goods and services for the purposes of the Goods and Services Tax Act 1985;
- (c) a sale, disposition, distribution, or transfer of property or liability for the purposes of the Income Tax Act 2007.

10 Final report of Board

(1) As soon as is reasonably practicable after commencement day, the Chairman must—

- (a) arrange for a final report of the Board to be completed; and
- (b) submit that report to the Minister.

(2) The report must describe the Board's proceedings and activities for the period beginning on 1 April immediately pre-

ceding commencement day and ending with the close of the day immediately preceding commencement day (the **report period**) and include—

- (a) a statement of the Board's financial position as at the close of the day immediately preceding commencement day; and
 - (b) an account of income and expenditure showing the financial transactions for the report period; and
 - (c) a report of the Audit Office on the statement of financial position and account of income and expenditure.
- (3) The Minister must present a copy of the report to the House of Representatives within 28 days after receiving the report or, if Parliament is not in session, 28 days after the commencement of the next session of Parliament.
- (4) In this section,—
- (a) **Chairman** means the person who held office as the chairman of the Board immediately before commencement day; and
 - (b) **Minister** means the Minister of the Crown who was responsible for the administration of the Carter Observatory Act 1938 immediately before commencement day.

11 Compensation

No member of the Board is entitled to compensation for loss of office resulting from the dissolution of the Board.

12 Consequential amendments

The enactments specified in the Schedule are amended in the manner indicated in the Schedule.

Schedule

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Enactments amended**Local Authorities (Members' Interests) Act 1968 (1968 No 147)**

Item relating to the Carter Observatory Board in Part 2 of Schedule 1: omit.

Public Audit Act 2001 (2001 No 10)

Item relating to Carter Observatory in Schedule 2: omit.

Public Bodies Contracts Act 1959 (1959 No 98)

Item relating to the Carter Observatory Board in Part 2 of Schedule 1: omit.

Legislative history

17 August 2009	Introduction (Bill 66-1)
22 October 2009	First reading and referral to Education and Science Committee
12 November 2009	Reported from Education and Science Committee
25 May 2010	Second reading
26 May 2010	Committee of the whole House, third reading
31 May 2010	Royal assent

This Act is administered by the Ministry of Research, Science, and Technology.
