

Version  
as at 28 October 2021



## Auckland Agricultural Pastoral and Industrial Shows Board Act 1972

Private Act      1972 No 4  
Date of assent    20 October 1972  
Commencement    20 October 1972

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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## Preamble

Whereas the Auckland Agricultural and Pastoral Association is the lessee of land from the Cornwall Park Trust Board in the Borough of One Tree Hill upon which it holds its annual show:

And whereas in 1953 the said Association entered into a joint venture with the Auckland Manufacturers' Association for the holding of a joint annual Easter Show:

And whereas both associations desire that the said joint venture should have separate corporate existence, with the said lease and all the assets of the said joint venture vested in it, and that such corporate body should enjoy all the rights and privileges of an Agricultural and Pastoral Association under the provisions of the Agricultural and Pastoral Societies Act 1908:

And whereas the Cornwall Park Trust Board has no objections to the provisions of this Act:

And whereas it is not possible to attain all the objects of this Act otherwise than by legislation.

### 1 Short Title

This Act may be cited as the Auckland Agricultural Pastoral and Industrial Shows Board Act 1972.

### 2 Interpretation

In this Act, unless the context otherwise requires,—

**2 constituent associations** means the Auckland Agricultural and Pastoral Association duly incorporated under the Agricultural and Pastoral Societies Act 1908 and the Auckland Manufacturers' Association duly incorporated under the Industrial Societies Act 1908

**Board** means the Auckland Agricultural Pastoral and Industrial Shows Board constituted under section 3

**Board's property** means any property for the time being vested in the Board; and any reference in this Act to land comprised in the Board's property shall include land in which the Board has an interest under any lease, tenancy, agreement, or licence

**charitable** includes every charitable purpose whether it relates to the relief of poverty, the advancement of education or religion, or any other matter beneficial to the community

**joint venture** means the joint venture between the 2 constituent associations recorded in agreements dated 18 November 1953 and 28 August 1957.

### **3 Auckland Agricultural Pastoral and Industrial Shows Board established**

- (1) There is hereby constituted a Board to be called the Auckland Agricultural Pastoral and Industrial Shows Board.
- (2) The Board shall be a body corporate with perpetual succession and a common seal, and may do and suffer all that bodies corporate may do and suffer.

### **4 Agricultural and Pastoral Societies Act applied**

The provisions of the Agricultural and Pastoral Societies Act 1908 (other than sections 7 to 9 of that Act and subsection (2) of section 2, and section 3, of the Agricultural and Pastoral Societies Amendment Act 1912) shall, so far as they are not inconsistent with the provisions of this Act, apply to the Board as if it were a society within the meaning of the Agricultural and Pastoral Societies Act 1908.

### **5 Vesting of property**

- (1) The leasehold interest of the Auckland Agricultural and Pastoral Association more particularly described in Schedule 1 and the assets described in that schedule are hereby vested in the Board, subject to all debts and liabilities and charges (if any) affecting the same.
- (2) The Board shall indemnify the 2 constituent associations against and take over and satisfy all contractual obligations, debts, and liabilities of the Auckland Agricultural and Pastoral Association and of the joint venture concerning, incurred, or arising from the holding of the annual show of the Auckland Agricultural and Pastoral Association and the Easter Show respectively and existing immediately before the commencement of this Act.
- (3) Nothing in this Act shall affect or prejudice any existing rights or remedies against the 2 constituent associations or either of them possessed by the lessor of the land described in Schedule 1 or by any persons having contractual relations with or being creditors of the 2 constituent associations or either of them.

### **6 Powers of Board in relation to property**

- (1) Subject to the provisions of this section, the Board shall hold its property and use, occupy, manage, and control it for the purposes of the objects set out in section 8.
- (2) If the Auckland Manufacturers' Association is wound up or withdraws from the Board the Board shall forthwith transfer its property to the Auckland Agricultural and Pastoral Association.

- (3) Subject to the provisions of this section, if the Auckland Agricultural and Pastoral Association is wound up or withdraws from the Board, the Board shall hold its property on trust for such charitable body whose constitution empowers it to conduct manufacturing and industrial shows as may be nominated, with its consent, by the Auckland Manufacturers' Association within 6 months after the winding up or withdrawal; and on such nomination the Board shall forthwith transfer its property to that body which shall hold it for its general purposes.
- (4) If a majority of at least 75% of the members of the Board resolve that the Board be dissolved, the following provisions shall apply:
- (a) Subject to paragraph (c), the Auckland Agricultural and Pastoral Association shall, within 3 months after the date of the resolution, advise the Board whether or not it wishes to continue conducting shows and for that purpose to hold the Board's property. If it does so advise the Board, the Board shall forthwith transfer its property to the Auckland Agricultural and Pastoral Association which shall hold it for its general purposes:
- (b) Subject to paragraph (c), if the Auckland Agricultural and Pastoral Association advises the Board that it does not wish to continue to conduct shows, or fails to give any advice within the time allowed, and the Auckland Manufacturers' Association determines that the objects of this Act should be continued, the Board shall hold its property on trust for such charitable body whose constitution would empower it to carry on the objects of this Act as may be nominated, with its consent, by the Auckland Manufacturers' Association within 9 months after the date of the resolution; and on such nomination the Board shall forthwith transfer its property to that body which shall hold it for its general purposes and for the purposes of this Act:
- (c) If both of the constituent associations advise the Board, within 3 months after the date of the resolution, that agricultural and industrial shows should be separately held and administered, the Board shall forthwith transfer its leasehold interest in the land described in Schedule 1 or any other interest in land held for the same purpose to the Auckland Agricultural and Pastoral Association; and the remainder of all surplus assets after payment of all costs, debts, and liabilities, whether present or contingent, shall be divided into 2 halves. The Board shall transfer one half to the Auckland Agricultural and Pastoral Association, which shall hold it for its general purposes. The other half shall be held by the Board on trust for such charitable body whose constitution empowers it to conduct manufacturing and industrial shows as may be nominated, with its consent, by the Auckland Manufacturers' Association within 9 months after the date of the resolution; and on such nomination the Board shall forthwith transfer that half to that body which shall hold it for its general purposes.

poses. If such leasehold interest or other interest has been sold or otherwise disposed of before the date of the resolution, the Board shall transfer to the Auckland Agricultural and Pastoral Association assets equal to the value of the leasehold interest or other interest as at the date of sale or other disposal before dividing the surplus assets as hereinbefore set out. A valuation of such leasehold interest or other interest shall be made, before it is sold or otherwise disposed of, by a registered valuer appointed for the purpose by a resolution agreed to by a majority of at least 75% of the members of the Board:

- (d) If neither association wishes to continue to conduct shows, or if the Auckland Manufacturers' Association does not nominate a suitable charitable body under this section, or if for any other reason the provisions of this section relating to the disposal of assets become inoperable, the Board shall dispose of its surplus assets, or part thereof, as the case may require, after the payment of all costs, debts, and liabilities, whether present or contingent, for such charitable purposes as may be determined by the Governor-General on the advice of the Attorney-General.
- (5) When the transfer or disposal of all of the Board's property under subsection (2) or subsection (3) or subsection (4) has been completed, the Board shall be dissolved.
- (6) On the transfer or disposal of any property to any association or charitable body under this section—
  - (a) the property shall not be used or be available for use for the private pecuniary gain of any member of the association or body; and
  - (b) the association or body shall assume the liability for all debts, liabilities, obligations, and covenants, whether present or contingent, affecting the property, and indemnify against the same—
    - (i) the Auckland Manufacturers' Association and its members, if the property has been transferred to the Auckland Agricultural and Pastoral Association:
    - (ii) the Auckland Agricultural and Pastoral Association and the Auckland Manufacturers' Association, and their members, if the property has been transferred to a charitable body:
    - (iii) the Auckland Manufacturers' Association and its members, in respect of property transferred to a charitable body, if the property has been transferred to a charitable body and the Auckland Agricultural and Pastoral Association.

## 7 Constitution of Board

Subject to section 9, the Board shall have the constitution set out in Part 1 of Schedule 2.