



## ANALYSIS

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1955, No. 36

Title.

AN ACT to constitute the New Zealand Foundation for the Blind. [20 October 1955]

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

1. (1) This Act may be cited as the New Zealand Foundation for the Blind Act 1955.

Short Title and commencement.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-six.

2. In this Act, unless the context otherwise requires,—

“Board” means the Board of Trustees of the New Zealand Foundation for the Blind:

“Contributor” means a contributor to the Foundation within the meaning of section five of this Act:

“Financial year” means a period of twelve months ending with the thirty-first day of March:

“Foundation” means the New Zealand Foundation for the Blind constituted under this Act:

“Minister” means the Minister of Education:

“Trustee” means a Trustee appointed or elected to the Board of Trustees of the New Zealand Foundation for the Blind under this Act; and includes the Chairman of the Board.

Interpretation.  
Hospitals Act 1926, No. 18, s. 2 (Reprint of Statutes, Vol. III, p. 725)

### *The Foundation*

3. (1) There shall be a Foundation for the education, training, and amelioration of the condition of the blind to be called the New Zealand Foundation for the Blind.

Constitution of Foundation. 1926, No. 18, s. 108

(2) The Foundation shall consist of the contributors to the Foundation.

(3) The Foundation shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

(4) The Foundation constituted under this Act is hereby declared to be the same body corporate as that which at the commencement of this Act was constituted under Part II of the Hospitals Act 1926 and known as the New Zealand Institute for the Blind; and the corporate identity of the Foundation shall not be affected, notwithstanding the change in its name and any change in its constitution effected by this Act. Every reference to the New Zealand Institute for the Blind in any enactment or instrument shall be read as a reference to the New Zealand Foundation for the Blind.

See Reprint of Statutes, Vol. III, p. 771

Visitor of the  
Foundation.

4. The Minister shall be the Visitor of the Foundation, and shall have all the powers and functions usually possessed by Visitors.

### *Contributors*

Contributors.  
1926, No. 18,  
s. 109 (2)-(4)

5. (1) During any financial year the persons described in this Act as contributors to the Foundation shall be:

- (a) All persons who have, during that financial year or during the immediately preceding financial year, contributed the sum of five shillings or more to the funds of the Foundation:
- (b) All persons who have been elected as life contributors to the Foundation.

(2) No person shall be entitled to vote as a contributor at any meeting of contributors unless he has attained the age of eighteen years and has been a contributor within the meaning of this Act for a period of not less than three months immediately preceding the date of the meeting.

(3) The Board may elect as a life contributor to the Foundation any person who gives to the funds of the Foundation a donation in one sum of not less than twenty pounds.

Contributors  
Register.  
1926, No. 18,  
s. 121

6. (1) The Board shall at all times keep a register in which shall be entered the names and addresses of all contributors and the amounts from time to time contributed by each, together with the dates of those contributions.

(2) The register shall at all reasonable times be open to the inspection of any contributor, and all entries therein shall, in the absence of proof to the contrary, be sufficient evidence of the matters so recorded.

Meetings of  
contributors.  
1926, No. 18,  
ss. 113-116

7. (1) An annual meeting of contributors to the Foundation shall be held on the second Tuesday in April in each year at a time and place to be determined by the Board and notified by advertisement in some newspaper circulating in the City of Auckland.

(2) At each annual meeting of contributors or at any adjournment thereof an election shall be held to fill all vacancies for elected members on the Board.

(3) A general meeting of contributors may, if the Board thinks fit, be called at any time by notice to the contributors published in some newspaper circulating in the City of Auckland.

(4) Every question before any annual or general meeting shall be decided by a majority of the votes of contributors then present and entitled to vote. Except as provided in section ten of this Act in the case of the Chairman, every such contributor shall have one vote.

(5) At any annual or general meeting the quorum shall be ten contributors who are entitled to vote at the meeting; and, if at least that number of such contributors does not assemble and proceed to business within one hour after the time fixed for the meeting, no election shall be held and no business shall be done at that time, but the meeting shall stand adjourned to the same place and the same hour of the same day in the following week, and notice of the adjourned meeting shall be given by the Board in some newspaper circulating in the City of Auckland and at the adjourned meeting four contributors entitled to vote shall be a quorum.

#### *Board of Trustees*

8. (1) There shall be a Board of Trustees of the Foundation to be called the Board of Trustees of the New Zealand Foundation for the Blind.

(2) The Board shall consist of—

(a) Four Trustees to be appointed by the Governor-General:

(b) Five Trustees to be elected by the contributors to the Foundation.

(3) One of the Trustees appointed by the Governor-General as aforesaid shall be a person whose name shall be selected by the Minister from a panel of three names submitted by the Executive Committee of the Dominion Association of the Blind Incorporated.

(4) The powers of the Board shall not be affected by any vacancy in the membership thereof, or in consequence of the subsequent discovery of any error or defect in the appointment or election of a Trustee, or of the fact that any Trustee is disqualified or has forfeited his seat.

9. (1) Every Trustee appointed by the Governor-General under subsection three of section eight of this Act shall be appointed for a term of two years.

(2) Every other Trustee appointed by the Governor-General shall be appointed for a term of three years:

Constitution of Board.  
1926, No. 18,  
s. 27,  
Seventh  
Schedule,  
clause (1)

Term of office of Trustees.  
1926, No. 18,  
ss. 113 (2)–  
(4), 118 (3),  
Seventh  
Schedule,  
clause (2)

Provided that the Governor-General may at any time remove any such Trustee.

(3) Immediately before the election of Trustees held at any annual meeting of contributors or adjournment thereof the term of office of the following Trustees shall expire:

(a) Every Trustee who has been appointed by the Board to fill a casual vacancy:

(b) Such other Trustees (if any) as may be necessary to create two vacancies for elected Trustees on the Board.

(4) The Trustees whose terms shall expire under paragraph (b) of subsection three of this section, or who shall first vacate office if successors are not appointed or elected to all those whose terms expire, shall be those who have been longest in office without re-election; but, where two or more have been in office for the same length of time, those of them whose terms are to expire or who are to vacate office shall be determined by lot in such manner as the Board may determine.

(5) Every retiring member shall be eligible for reappointment or re-election.

(6) Unless he sooner vacates his office as provided in this Act, every member of the Board who is in office at the commencement of this Act or thereafter comes into office shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed or elected may have expired.

10. (1) At the first meeting of the Board held after any election of new Trustees, or upon the office of Chairman becoming vacant, the Board shall elect one of its number to be Chairman; and the person so elected shall, unless he sooner ceases to be a member of the Board or vacates his office, hold office as Chairman until the election of his successor.

(2) The Chairman shall preside at all meetings of the Board and all meetings of contributors at which he is present.

(3) If the Chairman is absent from any meeting or there is no Chairman, the Board (in the case of a meeting of the Board) or the contributors present and entitled to vote (in the case of a meeting of contributors) shall elect some Trustee or some such contributor, as the case may

be, to preside at that meeting; and the person so elected shall have and may exercise all the powers and functions of the Chairman for the purposes of that meeting.

(4) At every meeting of the Board or of contributors the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

11. (1) Meetings of the Board shall be held at such times and places as the Board from time to time determines.

Meetings of Board.  
1926, No. 18,  
s. 34

(2) The Chairman or any five Trustees may at any time call a special meeting of the Board.

(3) It shall be the duty of the Chairman or the Secretary to call a special meeting of the Board at any time when he is requested in writing to do so by any five Trustees.

(4) At any meeting of the Board five Trustees shall form a quorum.

(5) Every question before the Board shall be determined by a majority of the votes of the Trustees present at the meeting.

12. (1) The following persons shall be incapable of being appointed or elected as Trustees:

Disqualification for appointment or election.  
1926, No. 18,  
s. 23

(a) Any person who is not of full age and capacity:

(b) An alien:

(c) A bankrupt who has not obtained his order of discharge or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled:

(d) A person convicted of any offence punishable by imprisonment, unless he has received a full pardon or has served his sentence or otherwise suffered the penalty imposed upon him.

(2) No person shall be capable of being elected as a Trustee unless he is a contributor to the Foundation.

13. A Trustee shall forfeit his office and the office shall become vacant if he—

Forfeiture of office.  
1926, No. 18  
s. 24

(a) Becomes bankrupt or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors; or

See Reprint  
of Statutes,  
Vol. V, p. 743

- (b) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or
- (c) Is convicted of any offence punishable by imprisonment; or
- (d) Is absent without leave from four consecutive meetings of the Board.

Filling of  
vacancies on  
Board.  
1926, No. 18,  
s. 118 (1),  
Seventh  
Schedule,  
clause (3)

14. (1) When the office of any Trustee appointed by the Governor-General becomes vacant by death, resignation, forfeiture, or removal from office, or when the term of office of any such Trustee has expired, the Governor-General shall as soon as practicable make a fresh appointment.

(2) If any elected Trustee, or any Trustee appointed by the Board under this subsection to fill a casual vacancy in respect of an elected Trustee, dies or resigns or forfeits his office, the Board shall fill the vacancy so created by appointing as a Trustee some contributor to the Foundation.

Travelling  
allowances.  
1926, No. 18,  
s. 35  
1951, No. 79,  
s. 10 (1)  
1951, No. 79

15. The Board may pay to any Trustee travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly, and the Board shall be a statutory Board for the purposes of that Act.

Use of  
common seal.  
1926, No. 18,  
s. 40

16. The common seal of the Foundation shall not be affixed to any document except pursuant to a resolution of the Board, and the execution of any document so sealed shall be attested by two Trustees, and by the secretary or by some officer authorized by the Board in that behalf.

Contracts of  
Foundation.  
1926, No. 18,  
s. 39

17. (1) Any contract which, if made between private persons, must be by deed shall, if made by the Foundation, be in writing under the common seal of the Foundation.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Foundation, be either under the common seal of the Foundation or signed on behalf of the Foundation by some Trustee or officer of the Foundation duly authorized in that behalf.

(3) Any contract which, if made between private persons, may be made orally may be similarly made by or on behalf of the Foundation by any person acting under its authority, express or implied.

(4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Foundation shall be invalid by reason only that it was not made in manner provided in the foregoing provisions of this section, if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

### *Powers of Board*

18. (1) The Board shall have power to appoint and remove a secretary, a treasurer, and such other officers, teachers, instructors, attendants, and servants as it thinks are necessary to assist in the management of the Foundation and in the execution of this Act:

Power to  
appoint  
officers and  
servants.

1926, No. 18,  
ss. 36, 38

Provided that the number of teachers employed by the Board at any time shall not exceed the number for the time being approved by the Minister.

(2) The office of treasurer may be held concurrently with that of secretary.

(3) All persons appointed by the Board under this section may be paid out of the revenue of the Foundation such salary, wages, or other remuneration as the Board thinks fit:

Provided that no salary, wages, or remuneration in excess of one thousand pounds a year shall be paid to any person without the approval of the Minister and the concurrence of the Minister of Finance:

Provided also that the salaries to be paid to teachers shall be fixed by the Minister.

19. (1) The Board may appoint such persons as it thinks fit for the purpose of collecting voluntary contributions and donations from the public for any purpose in connection with the Foundation or for the general purposes of the administration of this Act by the Board.

Power to  
appoint  
collectors.

1926, No. 18,  
s. 69

(2) All money so collected by the Board shall be applied for the purposes for which it was collected, and for no other purpose.

20. (1) The Board, with the consent of the Minister, may sell or exchange any land vested in the Foundation other than land held in trust for any special purpose, and may pay or receive on behalf of the Foundation any money by way of equality of exchange.

Power to sell  
or exchange  
land.

1926, No. 18,  
ss. 71, 73

(2) Nothing in this section shall authorize the sale or exchange of any land granted by the Crown or by any Act as an endowment to the Foundation.

(3) The powers of selling or exchanging land which are conferred upon the Board by this section shall, with the consent of the Minister, extend to land held in trust for any special purpose, notwithstanding the terms of that trust; but the proceeds of any such sale, and the land or money obtained by any such exchange, shall be subject to the same or similar trusts, so far as may be, as the land so disposed of.

Power to grant leases.

1926, No. 18, s. 72

See Reprint of Statutes, Vol. IV, p. 1031

21. (1) The Board may grant leases of any land vested in the Foundation.

(2) All such leases shall be subject to the provisions of the Public Bodies' Leases Act 1908, and the Board is hereby declared to be a leasing authority within the meaning of that Act.

(3) The powers of leasing hereby conferred on the Board shall extend to any reserve or endowment vested in the Board and to land held by the Board upon any trust, but it shall not be lawful for the Board to grant a lease of any such reserve, endowment, or trust property for any term or on any condition which is inconsistent with the due and proper use of the land for the purposes for which it is vested in the Foundation. No lease or agreement for a lease granted or made by the Board shall be invalid merely because it is inconsistent with the provisions of this subsection.

(4) Notwithstanding the provisions of section three of the Public Bodies' Leases Act 1908, the powers of leasing hereby conferred upon the Board may be validly exercised notwithstanding any restriction of leasing powers imposed by any other Act in force at the commencement of this Act or by any trust to which the land is subject.

(5) The powers of leasing hereby conferred upon the Board are in addition to and not in substitution for any powers of leasing conferred on the Board or the Foundation by any other Act or by any trust to which the land is subject.

22. The Board may from time to time, under the seal of the Foundation, make by-laws not inconsistent with this Act for the control and management of the Foundation.

Power to make by-laws.

1926, No. 18, ss. 79, 123

### *Financial Provisions*

23. (1) The Board shall for each financial year make an estimate in a form approved by the Minister of Finance of the amount of the expenditure for all purposes and the receipts of the Foundation in that year. The estimate shall show separately the estimated amount of capital expenditure and maintenance expenditure.

Board to furnish estimates of receipts and expenditure. 1926, No. 18, s. 46

(2) The estimate shall be forwarded to the Minister of Education on or before the twenty-first day of April in the financial year to which it relates.

24. There may from time to time be paid to the Foundation, out of money appropriated by Parliament for the purpose,—

Grants to Foundation. 1926, No. 18, Seventh Schedule, clause (5)

(a) A grant which in the opinion of the Minister of Finance is sufficient, when added to the amount of all fees and payments received by the Foundation from any other source for the purposes of this paragraph, to meet the cost of the education and maintenance of the children under the care of the Foundation, and the costs of the trade training, higher education, adult education, and occupational therapy provided by the Foundation for the blind:

(b) Such subsidies as the Minister of Finance from time to time approves or devises, bequests, and other voluntary contributions and gifts to the Foundation of money, land, and other property.

25. The Board may from time to time, with the prior approval of the Minister of Finance and subject to such conditions as he may impose, borrow money by way of overdraft or on temporary loan on behalf of and for the purposes of the Foundation:

Power to borrow on overdraft. 1926, No. 18, s. 60 (2)

Provided that the total amount so borrowed shall not at any time in any financial year exceed one-fourth of the revenue of the Foundation for the immediately preceding financial year exclusive of money borrowed and money available for capital expenditure only.

26. (1) Subject to the provisions of this Act and to the terms of any trust or endowment, the Board may apply any money or property received or held by the Foundation in such manner as the Board thinks fit for all or any of the following purposes:

Authorized expenditure. 1926, No. 18, s. 75 (3)

- (a) The education of blind children and blind adults:
- (b) The provision of suitable employment for blind persons:
- (c) The provision of residential accommodation for blind children and blind adults, and the acquisition of land for any such residential accommodation:
- (d) The establishment of branches of the Foundation, and the acquisition of land for any such branches:
  - Provided that no branch shall be established without the prior written approval of the Minister:
- (e) The prevention or the cure of blindness or the amelioration of the lot of blind persons:
- (f) Making such provision as the Board thinks expedient in order that the Foundation may best accomplish the purposes for which it is established.

(2) No new building shall be erected, and no structural addition or alteration estimated to cost more than one thousand pounds shall be made to any building, unless previous notice in writing of the proposed erection, addition, or alteration has been sent to the Minister, and the consent in writing of the Minister has previously been given.

(3) Nothing in this section shall authorize the Board to apply for purposes other than capital expenditure any money available only for capital expenditure, or to apply for purposes other than maintenance any money available only for maintenance.

Unauthorized expenditure.

27. The Board may in any financial year, out of the general account of the Foundation, expend for purposes not authorized by any law for the time being in force any sum or sums not exceeding in the aggregate one hundred pounds.

Power to accept property in trust for certain purposes.  
1926, No. 18,  
s. 67

28. (1) The Board may accept on behalf of the Foundation any money, land, or other property by way of bequest, devise, or gift, in trust for the purposes of the Foundation for the time being or in trust for any purpose to which the Board can lawfully apply the property of the Foundation.

(2) All money, land, and other property accepted on behalf of the Foundation by the Board in trust under the authority of this section, and all income derived therefrom shall be appropriated and dealt with by the Board for the purposes of the trust and in accordance with the terms thereof.

29. (1) All money belonging to the Foundation amounting to five pounds and upwards shall, within seven days after it has come into the hands of the proper officer of the Foundation, be paid into the account of the Foundation at such bank as the Board from time to time appoints.

Money to be paid into bank. 1926, No. 18, s. 63

(2) No money shall be withdrawn from the bank except by authority of the Board and by cheque signed by the Treasurer or by an officer of the Foundation approved by the Board and countersigned by one of the Trustees who are for the time being authorized by the Board to countersign cheques.

30. All money held in trust by the Foundation shall, pending the application thereof in accordance with the terms of the trust, be invested, at the discretion of the Board, either in manner directed or authorized by the trust, or (notwithstanding the terms of the trust) in securities issued by the Government of New Zealand or by any local authority under any act, or on first mortgage of freehold land in New Zealand.

Investment of trust money prior to application in terms of trust. 1926, No. 18, s. 65

31. When any money is received by the Foundation by way of bequest or gift in trust for the purposes of the Foundation, all such money shall, save so far as is otherwise provided by the terms of the will or gift, be applied in such manner as the Board thinks fit in or towards the permanent improvement of any property of the Foundation or the extension of the objects for which the Foundation is established, or shall be invested by the Board and the income of the investment shall be appropriated and used for the purposes of the Foundation.

Application of trust money. 1926, No. 18, s. 68

32. (1) The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein (in a form approved by the Minister of Finance) of the income and expenditure of the Foundation, and of all sums received and paid by the Foundation, and of the several purposes for which those sums were received and paid.

Accounts to be kept by Board. 1926, No. 18, s. 89

(2) A separate account shall be kept in respect of every trust fund or trust property under the control of the Board.

(3) The said books of account shall be open at all reasonable times to the inspection of any Trustee.

Annual  
balance and  
statement.  
1926, No. 18,  
s. 88

33. (1) The Board shall, before the first day of May in every year, cause its accounts for the immediately preceding financial year to be balanced and a true statement of account to be prepared in the form approved by the Audit Office showing—

- (a) All receipts and payments of the Foundation during the financial year;
- (b) The income and expenditure of the Foundation for the financial year; and
- (c) All assets and liabilities of the Foundation at the end of the financial year.

(2) A true copy of every such statement of account shall, forthwith after the preparation thereof, be sent by the Board to the Minister.

(3) Every such statement of account shall be audited by the Audit Office which for that purpose shall have and may exercise all the powers which it has under the Public Revenues Act 1953 in respect of public money and public stores.

1953, No. 73

Board may  
subsidize  
superannuation  
fund or scheme.

34. The Board may, out of the revenue of the Foundation, subsidize the National Provident Fund or any other fund or scheme established with the approval of the Minister of Finance for the purpose of providing superannuation or retiring allowances for its officers and employees.

Exemptions  
from rates  
and taxes.  
1931, No. 44,  
s. 40  
1949, No. 17,  
s. 9  
1954, No. 67,  
ss. 73 (1) (c),  
86 (1) (e)  
See Reprint  
of Statutes,  
Vol. VII,  
p. 977

35. (1) No rates shall be levied on the Foundation by any local authority within the meaning of the Rating Act 1925 on any land held by or on behalf of the Foundation and reserved or set apart, or otherwise in any manner acquired, for any purpose of the Foundation, and held otherwise than as an endowment.

(2) All land owned by or in trust for the Foundation shall be exempt from land tax.

(3) The income of the Foundation is hereby declared to be exempt from income tax and social security charge.

*Miscellaneous*

36. The Board shall admit to and maintain in the Foundation every blind person between the ages of six years and twenty-one years whom the Minister directs to be admitted to the Foundation.

Admission of blind children. 1926, No. 18, Seventh Schedule, clause (5)

37. The Foundation shall be open at all reasonable times to inspection by the Director of Education or by any person authorized by the Minister to make any such inspection; and any such inspection may include the examination of pupils of the Foundation in the subjects in which they are receiving instruction, and may include an inspection of the books and accounts of the Foundation.

Inspection of Foundation. 1926, No. 18, Seventh Schedule, clause (8)

38. (1) The enactments specified in the First Schedule to this Act are hereby repealed.

Repeals, amendments, and savings.

(2) The enactments specified in the Second Schedule to this Act are hereby amended in the manner specified in the Second Schedule to this Act.

(3) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

See Reprint of Statutes, Vol. VIII, p. 568

Schedules.

## SCHEDULES

## FIRST SCHEDULE

## ENACTMENTS REPEALED

Section 38 (1)

1926, No. 18—

The Hospitals Act 1926: Section 124, the Seventh Schedule, and so much of the Second Schedule as relates to the New Zealand Institute for the Blind. (Reprint of Statutes, Vol. III, p. 725.)

1932, No. 22—

The Hospitals Amendment Act 1932: Section 19.

1949, No. 17—

The Education Amendment Act 1949: Section 9.

## SECOND SCHEDULE

## ENACTMENTS AMENDED

Section 38 (2)

Title of Act	Nature of Amendment
1931, No. 44— The Finance Act 1931 (No. 4). (See Re- print of Statutes, Vol. II, p. 1,114)	By omitting from subsection (2) of section 40, as amended by section 9 of the Education Amendment Act 1949, the words "the New Zealand Institute for the Blind".
1954, No. 49— The Local Authorities (Members' Con- tracts) Act 1954	By repealing so much of the First Schedule as relates to the New Zealand Institute for the Blind, and substituting the following words: "The New Zealand 1955, No. 36— Foundation for the New Zealand the Blind Foundation for the Blind Act 1955."