

REVOKED: 303/1961, No.



ANALYSIS

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1959, No. 40

**An Act to amend the New Zealand Foundation for the Blind Act 1955**  
[15 October 1959]

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

**1. Short Title**—This Act may be cited as the New Zealand Foundation for the Blind Amendment Act 1959, and shall be read together with and deemed part of the New Zealand Foundation for the Blind Act 1955 (hereinafter referred to as the principal Act).

**2. Interpretation**—Section two of the principal Act is hereby amended by inserting in their appropriate alphabetical order the following definitions:

“‘Advisory Committee’ means any Advisory Committee that is for the time being established under section six A of this Act, as inserted by section three of the New Zealand Foundation for the Blind Amendment Act 1959:

“‘Auckland Advisory Committee’ means the Committee known by that name established for the Auckland area by the Board under subsection two of section six A of this Act, as inserted by section three of the

New Zealand Foundation for the Blind Amendment Act 1959, or re-established by the Board under subsection one of that section:

- “ ‘Auckland Regional District’ means the Auckland Regional District as it is for the time being constituted by the Minister by notice in the *Gazette*:
- “ ‘Canterbury Regional District’ means the Canterbury Regional District as it is for the time being constituted by the Minister by notice in the *Gazette*:
- “ ‘Executive Committee’ means the Executive Committee that is for the time being established under section twenty-two A of this Act, as inserted by section eleven of the New Zealand Foundation for the Blind Amendment Act 1959:
- “ ‘Otago Regional District’ means the Otago Regional District as it is for the time being constituted by the Minister by notice in the *Gazette*:
- “ ‘Special Committee’ means any Special Committee that is for the time being established under section twenty-two A of this Act, as inserted by section eleven of the New Zealand Foundation for the Blind Amendment Act 1959:
- “ ‘Wellington Regional District’ means the Wellington Regional District as it is for the time being constituted by the Minister by notice in the *Gazette*.”

**3. Advisory Committees**—The principal Act is hereby amended by inserting, after section six, the following section:

“6A. (1) The Board may from time to time establish for any area an Advisory Committee which shall consist of such number of members, elected by the contributors to the Foundation in the area, as the Board thinks fit, and the Board may from time to time disestablish any Advisory Committee, or alter the area for which any Advisory Committee is established or vary the constitution of any Advisory Committee.

“(2) The Board shall, before the first day of February, nineteen hundred and sixty, establish for an area to be known as the Auckland area, which shall include the City of Auckland, an Advisory Committee to be known as the Auckland Advisory Committee.

“(3) For the purpose of the first election of members of any Advisory Committee to be established, the Board shall call a meeting of contributors to the Foundation in the area at a time and place to be determined by the Board and notified by some newspaper circulating in the area; and the election

of members shall be carried out at that meeting in such manner as the Board thinks fit.

“(4) Every Advisory Committee established or deemed to have been established under this section shall have the following functions:

“(a) Subject to the control of the Board, to promote public interest in its area in the work of the Foundation and to organise in its area the collecting of subscriptions and donations for the various purposes of the Foundation:

“(b) To act as a Special Committee of the Board in respect of any functions which the Board may from time to time delegate to it.

“(5) Every Advisory Committee in the Auckland Regional District, other than the Auckland Advisory Committee, and every Advisory Committee in the Wellington Regional District, the Canterbury Regional District, and the Otago Regional District shall, immediately after holding its annual meeting of contributors to the Foundation resident in its area, appoint one person to be a member for that year of the Electing Committee for the Regional District in which it is situated, and shall, if it so wishes, from time to time, in a manner to be determined by the Board, nominate candidates for any vacancies for Trustees to be elected by the said Electing Committee.

“(6) Every committee of contributors to the Foundation known as an Advisory Committee and in existence immediately before the commencement of this section shall be deemed to have been established under this section.

“(7) Every Advisory Committee shall have power to co-opt such additional members, not exceeding three at any one time, as it thinks fit, for a term not exceeding twelve months, and members so co-opted shall be full members of the Committee, save that they shall not be deemed to be members of the Committee for the purposes of subsections eight, nine, eleven, and thirteen of this section.

“(8) Subject to the provisions of this section, the members of each Advisory Committee shall hold office for a term of three years, but every retiring member shall be eligible for re-election.

“(9) On the last day of February in the year nineteen hundred and sixty-one, in the case of all Advisory Committees established or deemed to have been established in or before the year nineteen hundred and sixty, and on the last day of February in the year following their establishment,

in the case of all other Advisory Committees, and on that day in every year thereafter, the term of office of one-third of the members of each Advisory Committee shall expire:

“Provided that if the total number of members is not a multiple of three, then the number of members nearest to one-third of the total number shall retire in each of the first two years in which members are due to retire, and the remainder of the members shall retire in the third year, and so on thereafter in rotation.

“(10) The members whose terms shall expire in any year under subsection nine of this section 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 shall be determined by lot in such manner as the Advisory Committee shall determine.

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

“(12) A person shall be incapable of becoming a member of an Advisory Committee if under section twelve of this Act he is incapable of being appointed or elected a Trustee, and a member of an Advisory Committee shall forfeit his office and the office shall become vacant if, under the provisions of paragraph (a), paragraph (b), or paragraph (c) of section thirteen of this Act, the member would have vacated office as a member of the Board if he had been a Trustee.

“(13) When the office of any member of an Advisory Committee becomes vacant by death, resignation, forfeiture, or removal from office, the Advisory Committee shall fill the vacancy so created by appointing some contributor to the Foundation who shall hold office for the residue of the term for which his predecessor was elected.”

**4. Meetings of contributors**—Section seven of the principal Act is hereby amended—

(a) By repealing subsection two:

(b) By omitting from subsection five the words “no election shall be held and”.

**5. District meetings of contributors**—The principal Act is hereby amended by inserting, after section seven, the following section:

“7A. (1) Every Advisory Committee established under section six A of this Act, as inserted by section three of the New Zealand Foundation for the Blind Amendment Act 1959, shall hold, in March of each year following the year of its establishment, an annual meeting of contributors to the Foundation resident in its area at a time and place to be determined by the Advisory Committee and notified by advertisement in some newspaper circulating in its area.

“(2) In the notice appointing the time and place for the holding of any such annual meeting, the Advisory Committee shall call upon any contributor to the Foundation resident in its area to send in writing, by post or delivery, so as to be delivered to the Secretary of the Advisory Committee not later than fourteen clear days before the date of the meeting, the names of the persons, being contributors to the Foundation, nominated by him for election to fill the vacancies for members on the Advisory Committee.

“(3) At each such annual meeting of contributors or at any adjournment thereof an election shall be held to fill all vacancies for members on the Advisory Committee.

“(4) A general meeting of the contributors in its area may, if any Advisory Committee thinks fit, be called at any time by notice to the contributors published in some newspaper circulating in the area.

“(5) Every question before an annual or general meeting shall be decided by a majority of the votes of contributors then present and entitled to vote. The Chairman of the meeting shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote, but all other contributors present shall have one vote.”

**6. Constitution of Board**—Section eight of the principal Act is hereby amended as from the thirtieth day of April, nineteen hundred and sixty, by repealing subsections two and three, and substituting the following subsections:

“(2) The Board shall consist of—

“(a) Four Trustees to be appointed by the Governor-General, of whom none shall be an officer of the Department of Education:

“(b) Two Trustees to be appointed by the Minister on the nomination of the Executive Committee of the Dominion Association of the Blind Incorporated:

“(c) Two Trustees to be elected by the members of the Auckland Advisory Committee or, while that Committee is disestablished, to be appointed by the Minister:

“(d) One Trustee to be elected by the Electing Committee for the Auckland Regional District:

“(e) One Trustee to be elected by the Electing Committee for the Wellington Regional District:

“(f) One Trustee to be elected by the Electing Committee for the Canterbury Regional District:

“(g) One Trustee to be elected by the Electing Committee for the Otago Regional District:

“(h) One Trustee, who shall be a parent or guardian of a child registered with the Foundation, to be elected, in such manner as the Minister may from time to time determine, by the parents and guardians of children registered with the Foundation:

“(i) One Trustee, who shall be the Director of Education or an officer of the Department of Education appointed by the Director as his deputy.

“(3) For the purposes of paragraphs (d), (e), (f), and (g) of subsection two of this section, each Electing Committee shall consist of the members appointed to it by the Advisory Committees in the said Regional District in accordance with subsection five of section six A of this Act, as inserted by section three of the New Zealand Foundation for the Blind Amendment Act 1959, and every such Electing Committee shall elect the Trustees for its Regional District in a manner to be determined by the Board.”

**7. Term of office of Trustees**—The principal Act is hereby amended as from the thirtieth day of April, nineteen hundred and sixty, by repealing section nine, and substituting the following section:

“9. (1) Subject to the provisions of this section, the members of the Board, other than the Director of Education or his deputy, shall hold office for a term of three years:

“Provided that the Governor-General may at any time remove any Trustee appointed by him.

“(2) The term of office of two of the Trustees appointed or elected under paragraphs (c), (d), (e), (f), and (g) of subsection two of section eight of this Act shall expire with the thirtieth day of April in the year nineteen hundred and sixty-one, and with that day in every year thereafter.

“(3) The Trustees whose terms shall expire in any year under subsection two of this section shall be those who have been longest in office without reappointment or 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 shall be determined by lot in such manner as the Board may determine.

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

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

**8. Meetings of Board**—Section eleven of the principal Act is hereby amended as from the thirtieth day of April, nineteen hundred and sixty—

- (a) By inserting in subsection one, after the word “held”, the words “at least once in every three months”:
- (b) By omitting from subsection four the words “five Trustees”, and substituting the words “seven Trustees”.

**9. Filling of vacancies on Board**—The principal Act is hereby amended as from the thirtieth day of April, nineteen hundred and sixty, by repealing section fourteen, and substituting the following section:

“14. When the office of any Trustee becomes vacant by death, resignation, forfeiture, or removal from office, the vacancy so created shall as soon as practicable be filled in the manner in which the appointment or election to the vacant office was originally made. Every person so appointed or elected shall be appointed or elected for the residue of the term for which his predecessor was appointed or elected.”

**10. Travelling allowances and expenses**—The principal Act is hereby amended by repealing section fifteen, and substituting the following section:

“15. The Board may pay to any Trustee, or to any member of a Special Committee, or to any member of an Advisory Committee where the Trustee is attending any meeting of the Board, or the Trustee or member is, pursuant to a resolution of the Board, travelling in the service of the Board or transacting business of the Board or is attending as a representative of the Committee any conference summoned by the

Board or summoned or approved by the Minister, 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 and all such Committees shall be statutory Boards for the purposes of that Act.”

**11. Executive Committee and Special Committees**—The principal Act is hereby amended by inserting, after section twenty-two, the following section:

“22A. (1) The Board may from time to time, by resolution, establish—

“(a) An Executive Committee which shall comprise not less than five Trustees and to which the Board may delegate all or any of its powers:

“(b) Special Committees for particular purposes to which the Board may delegate such of its functions and powers in respect of those purposes as it thinks fit.

“(2) Every member of the Executive Committee shall be a Trustee, but no person shall be debarred from membership of any Special Committee by reason only of the fact that he is not a Trustee or a contributor to the Foundation.

“(3) Subject to any general or special directions given or conditions attached by the Board, the Executive Committee or any Special Committee established under this section may perform and exercise any functions and powers delegated to it in the same manner and with the same effect as if they had been conferred on it directly by this Act and not by delegation.

“(4) Where the Executive Committee or any Special Committee purports to act pursuant to any delegation under this section, it shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.

“(5) Every such delegation shall be revocable at will, and no such delegation shall prevent the performance or exercise of any function or power by the Board.

“(6) Until every such delegation is revoked, it shall continue in force according to its tenor, notwithstanding any change in the membership of the Board or of the Executive Committee or Special Committee.”

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