



ANALYSIS

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1980, No. 1—*Private*

An Act to discharge the trustees from their administration of certain moneys held in trust for the charitable purpose of providing relief or assistance to persons suffering loss or damage from floods occurring in Otago and Southland in October 1978, and to appoint trustees to administer the unexpended balance of the fund for the relief of those persons and in particular for those who have suffered subsequent loss or damage by recurring flooding, and to provide reimbursement for the loss of services by the Gore Borough Council of its town clerk
[17 November 1980]

WHEREAS extensive flooding occurred in Otago and Southland in October 1978: And whereas the Government appointed a committee to administer funds provided for the relief of persons suffering loss or damage as a result of that flooding, which committee comprised the mayor of Gore as its chairman, the mayors of Balclutha, Alexandra, and Mataura, the chairmen of the Southland County, Clutha County, and Tuapeka County, and the county clerk of the Bruce County as members, and the town clerk of the Borough of Gore as secretary of the committee: And whereas subscriptions to that fund were made by organisations and individuals throughout New Zealand, a portion

of which fund was subsidised by the Government: And whereas payments have been made from the fund since that time for the relief of persons suffering loss or damage in or as a result of that flooding: And whereas the accounts for the fund have been audited and the approval of the Controller and Auditor-General to the handling of the fund and the making of payments to date has been given: And whereas there is an unexpended balance remaining in the fund: And whereas the township known as Kelso and its surrounding district suffered severe flood damage in October 1978 and subsequently: And whereas those persons whose property has been subjected to recurring floods have suffered additional distress and it is inexpedient that the trustees should seek to isolate distress meriting payment from the fund only to that relating to the October 1978 floods: And whereas there are few remaining claims from the 1978 floods to be met and the trustees have sought to disburse the balance of the funds between those claims and the relief of persons who have suffered recurrence of flooding subsequent to October 1978: And whereas it is desired for this purpose to release the trustees from administration of the remainder of the fund and to vest its administration in the persons hereinafter named, and to make provision for the reimbursement for the Gore Borough Council of the time and expenses of its town clerk directly attributable to his work in the administration of the unexpended balance of the fund:

BE IT THEREFORE 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 Otago Southland Flood Relief Committee Empowering Act 1980.

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

“Committee” means the committee comprising the persons who held office in October 1978 as the mayors of the Boroughs of Gore, Balclutha, Alexandra, and Matakana, respectively, the chairmen of the Counties of Southland, Clutha, and Tuapeka, respectively, the county clerk of the County of Bruce, and the town clerk of the Borough of Gore:

“Fund” means the accumulated fund from subscriptions, donations, subsidy, interest, or otherwise however received and held for the relief of persons suffering damage from flooding occurring in October 1978 in the Otago and Southland Region.

3. Validation of preceding administration—The receipt of interest from investment from time to time of parts of the fund, and the expenditure and payments made out of the said fund at any time before the passing of this Act, are hereby validated and declared to have been validly and lawfully made.

4. Discharge of present trustees—The trustees heretofore appointed to administer the fund on payment or making over of the unexpended balance of the fund to the persons named in section 5 of this Act are hereby discharged from their administration of the fund and from all liabilities in respect thereof.

5. Application of unexpended balance—The unexpended balance remaining in the fund, together with interest thereon (if any), shall be and is hereby vested in Ivan George Elder of Gore, chartered accountant, Allan Bruce Browning of Tapanui, manufacturer, and Ralph Gilbert Winwood of Gore, town clerk to be administered by them in their discretion to meet therefrom unpaid claims on the fund made by persons suffering loss or damage from the October 1978 floods or from persons suffering loss or damage from recurrences of flooding in any area or areas which were adversely affected by the October 1978 floods as if the same were funds held in a charitable trust therefor pursuant to the Charitable Trusts Act 1957.

6. Reimbursement of Borough of Gore for services of town clerk—For so long as the town clerk of the Borough of Gore is a trustee of such moneys and continues to hold the office of town clerk of the Borough of Gore, the Borough of Gore shall be entitled to be reimbursed from the fund for his time and expenses attributable to his work in the administration of the unexpended balance of the fund.

7. Costs—The costs of promoting this Act and of investigating all matters preparatory and incidental thereto, including all disbursements and legal expenses, and incurred by the committee shall be paid and discharged by the trustees appointed under section 5 of this Act from the unexpended balance of the fund.

8. Private Act—This Act is hereby declared to be a private Act.
