

Right Hon. Mr. Forbes.

HAWKE'S BAY EARTHQUAKE RELIEF FUNDS.

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A BILL INTITULED

AN ACT to make Provision for the Administration and Control of Funds raised wholly or partly by Private Subscription for the Benefit of Persons injuriously affected by the Hawke's Bay Earthquake.

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

1. This Act may be cited as the Hawke's Bay Earthquake Relief Funds Act, 1931.

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

“Committee” means the Central Earthquake Committee of the Hawke's Bay Earthquake Relief Funds incorporated under this Act:

Interpretation.

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“The Hawke's Bay earthquake” or “the earthquake” means the earthquake that occurred in Hawke's Bay on the third day of February, nineteen hundred and thirty-one, and includes all fires consequent thereon or incidental thereto:

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“Earthquake Relief Fund” means a fund raised wholly or partly by private subscription for the benefit of persons injuriously affected by the Hawke's Bay earthquake, and includes all investments, securities, and other property whatsoever belonging to or under the administration of a trustee of such fund in his capacity as such:

"Minister" means the Minister of Finance :

"Trustee" includes every person for the time being exercising control, either solely or jointly with any other person or persons, over any Earthquake Relief Fund.

Incorporation of
Committee.

3. (1) The Central Earthquake Committee that was set up by the Government for the purpose of receiving and administering moneys contributed for the relief of sufferers in the Hawke's Bay earthquake is hereby constituted a body corporate under the name of the Central Earthquake Committee of the Hawke's Bay Earthquake Relief Funds, with perpetual succession and a common seal, and with power, for the purpose of administering any Earthquake Relief Funds and for such other purposes as may be authorized under the provisions of this Act, to hold real and personal property and to do and suffer all that bodies corporate may do and suffer. 5 10

(2) The Committee shall consist of the persons holding office as members thereof at the passing of this Act, and of such other persons as may from time to time hereafter be appointed as members by the Committee or by the Minister. Any member of the Committee may be at any time removed from membership by the Minister, or may at any time resign his membership by writing addressed to the Minister. 15 20

(3) Every member of the Committee who is a member by virtue of the office or position held by him shall continue to be a member of the Committee only so long as he continues to hold such office or position, and every person who may be hereafter appointed or elected to any such office or position shall, by virtue thereof, be a member of the Committee. 25

(4) If any question arises as to whether any person is a member of the Committee, the question shall be determined by the Minister, whose decision shall be final.

Procedure at
meetings of
Committee.

4. (1) The Minister shall be the Chairman of the Committee. 30

(2) In the absence of the Chairman from any meeting of the Committee, the members present shall appoint one of their number to be chairman at that meeting.

(3) On any question before the Committee, the Chairman shall have a deliberative vote and, in case of an equality of votes, shall also have a casting vote. 35

(4) The decision of a majority of the members of the Committee shall be deemed to be the decision of the Committee.

(5) The fact that any person attends and acts as a member of the Committee shall be conclusive proof of his authority so to act. 40

(6) The Committee shall at all times cause proper minute-books to be kept in which shall be entered a full and faithful record of all the proceedings at each meeting with proper details of the business transacted thereat.

(7) The Committee shall, subject to the provisions of this Act, determine its own procedure. 45

Funds held by
Public Trustee to
vest in Committee.

5. Immediately on the passing of this Act every Earthquake Relief Fund held by the Public Trustee on behalf of the Central Earthquake Committee shall vest in the Committee, subject to all liabilities, charges, obligations, and trusts affecting the same. 50

6. The Committee shall at the request in writing of the trustees of any Earthquake Relief Fund undertake the control and administration of such fund for the purposes for which it is established or for any purpose authorized under the provisions of this Act, and the trustees of every such fund, whether established before or after the passing of this Act, are hereby authorized by writing under their hands to transfer the fund and the administration thereof to the Committee.

Committee to undertake administration of other funds.

7. (1) The Minister may direct the trustees of any Earthquake Relief Fund to transfer such fund and the administration thereof to the Committee.

Minister may direct transfer of funds to Committee.

(2) Any person who refuses or fails to comply with such direction within the time limited thereby or within such extended time as the Minister may allow shall be liable on summary conviction to a fine not exceeding *one hundred* pounds.

(3) The transfer of any such fund as aforesaid shall not operate to exempt any trustee from liability under this Act or otherwise for any breach of trust, or other unlawful act, whether of commission or omission, for which he was legally responsible before such transfer.

8. Every Earthquake Relief Fund transferred to the Committee under this Act shall, unless the Committee otherwise determines, be paid to the Public Trustee on behalf of the Committee, and the receipt of the Public Trustee shall be a sufficient discharge therefor.

Funds so transferred to be paid to Public Trustee.

9. (1) The Committee shall stand possessed of any Earthquake Relief Fund that is vested in or transferred to it upon trust for the purposes for which such fund is established or for any purpose authorized by the provisions of this Act, and shall administer every such fund in accordance with the provisions of this Act in such manner as the Committee from time to time by resolution determines.

Administration of funds by Committee.

(2) In the administration of any Earthquake Relief Fund the Committee shall take into consideration the recommendations (if any) of the trustees from whom the fund was transferred or of any other persons acting as an advisory committee for the purpose of the administration of such fund.

10. (1) It shall be the duty of the trustees of every Earthquake Relief Fund that has not been transferred to the Committee as hereinbefore provided to forward to the Minister a written statement setting forth—

Particulars to be supplied by trustees.

- (a) The name of the fund :
- (b) The date of the establishment of the fund :
- (c) The objects of the fund :
- (d) The names, addresses, and descriptions of the trustees of the fund :
- (e) The names, addresses, and descriptions of the secretary, the treasurer, and other administrative officers of the fund :
- (f) The name of the bank at which the fund is kept :
- (g) Such other particulars as may be prescribed, or as the Minister may require.

(2) In the case of a fund established before the passing of this Act, the particulars required to be furnished as aforesaid shall be furnished within thirty days after the passing of this Act, and in the case of all other funds shall be furnished within thirty days after the date of the establishment of the fund.

(3) In the event of the death or retirement of a trustee, or of the appointment of a new trustee, or of the appointment of any secretary, treasurer, or other administrative officer of an Earthquake Relief Fund, it shall be the duty of the trustees forthwith to send to the Minister notice in writing of such death, retirement, or appointment, as the case may be. 5

Particulars to be supplied as to expenditure of funds.

11. In addition to the particulars required to be supplied pursuant to the *last preceding* section, it shall be the duty of the trustees of every Earthquake Relief Fund, as and when required by the Minister, to cause to be furnished to him a statement in writing setting forth such particulars as the Minister may require with respect to— 10

- (a) The amount for the time being in the fund :
- (b) The amount expended from the fund for the special purposes for which the fund was established : 15
- (c) The names, addresses, and descriptions of persons to whom moneys in the fund have been paid, with the amounts so paid :
- (d) The obligations incurred or undertaken by the trustees of the fund involving future expenditure of the fund, with estimates as to the amounts to be so expended : 20
- (e) Such other matters as the Minister may from time to time require.

Penalties for failure to furnish particulars or for furnishing false particulars.

12. Any person, being required to furnish particulars pursuant to section *ten* or section *eleven* hereof, who wilfully fails to furnish such particulars, or who wilfully furnishes any statement that is to his knowledge false in any material particular, shall be liable on summary conviction before a Magistrate to a fine of not less than *five* pounds and not exceeding *one hundred* pounds, and to a further fine not exceeding *five* pounds for every day during which the failure to supply correct particulars continues. 25 30

Expenditure of funds.

13. (1) No moneys shall be paid out of an Earthquake Relief Fund, except—

- (a) For any purpose for which the fund has been specifically constituted, or for any purpose defined by the Governor-General pursuant to subsection *two* or subsection *three* hereof : 35
- (b) For any purpose incidental to the proper administration of the fund :
- (c) For any other purpose that may be approved by the Minister, either generally or in respect of any particular fund. 40

(2) Where, in the opinion of the Committee (in the case of an Earthquake Relief Fund vested in or controlled by the Committee) or of the trustees of any other Earthquake Relief Fund, the purposes for which such fund has been established are not sufficiently defined, the Governor-General in Council may, on the application in writing of the Committee or trustees, as the case may be, define the purposes for which the said fund shall be deemed to have been established, and the moneys in the said fund may be expended for such purposes accordingly. 45

(3) Where the moneys belonging to any Earthquake Relief Fund are, in the opinion of the Governor-General in Council, more than sufficient to meet all reasonable requirements of the fund for the purposes for which it was established, he may, on the application in writing of the 50

Committee (in the case of a fund vested in or controlled by the Committee) or of the trustees of any other fund, define such purposes as he thinks fit (being purposes for which an Earthquake Relief Fund may be established) to be purposes of the said fund, and thereupon the moneys in the said fund may be expended for all or any of the purposes so defined.

14. (1) The accounts of the Committee and of the trustees of every Earthquake Relief Fund shall be subject to audit in the same manner in all respects as if the moneys belonging to an Earthquake Relief Fund were public moneys within the meaning of the Public Revenues Act, 1926. Audit of accounts.

(2) Section sixty-five of the Hawke's Bay Earthquake Act, 1931, is hereby repealed. Repeal.

15. No moneys paid or payable out of any Earthquake Relief Fund on account of the death of any person or of bodily injury to any person shall be capable of being assigned, charged, taken in execution, or attached, nor shall any claim be set off against any such moneys, nor shall they be assets in the bankruptcy of the person entitled thereto. Protection of moneys paid out of funds in respect of personal injuries.

16. Where any moneys have, whether before or after the passing of this Act, been advanced out of an Earthquake Relief Fund by the Committee, or by the trustees of any such fund, on terms requiring the repayment of such moneys with or without interest, such moneys and the interest thereon (if any) shall be recoverable in accordance with the terms of the agreement, at the suit of the Committee in the case of a fund vested in or controlled by the Committee at the date when the action is brought, and in any other case at the suit of the trustees. All moneys recovered under this section at the suit of the Committee shall be paid to the Public Trustee, on behalf of the Committee, and the receipt of the Public Trustee shall be a sufficient discharge therefor. Advances out of funds by way of loan may be recovered.

17. All acts heretofore done in good faith by the Central Earthquake Committee or by any person with the express or implied authority of that Committee in relation to the investment of any Earthquake Relief Fund, or the payment of expenses, or otherwise in relation to the fund are hereby validated. Validation of acts done in good faith.

18. The Committee shall have and may exercise the following further powers and authorities, namely:— Additional powers of Committee.

(a) It may invest any moneys belonging to any fund under its control in the Common Fund of the Public Trust Office or in such other manner as the Governor-General by Order in Council may determine.

(b) It may from time to time appoint one or more advisory committees, consisting of such persons (whether members of the Committee or not) as the Committee thinks fit, and may from time to time regulate and determine the manner of the appointment of every such committee.

(c) It may from time to time define the powers and functions of every such advisory committee and regulate its procedure.

19. (1) The Governor-General may from time to time, by Order in Council, make regulations prescribing all such matters or things as may be necessary for the purpose of giving full effect to this Act. Regulations.

(2) All regulations made under this section shall be published in the *Gazette*.