

PATRIOTIC AND CANTEEN FUNDS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Patriotic and Canteen Funds Act 1947.

The purpose of the Bill is to amalgamate the New Zealand Patriotic Fund Board and the Canteen Fund Board into one Board to be known as the Patriotic and Canteen Funds Board. The Bill is in the same form as the Patriotic and Canteen Funds Amendment Bill which was before the Defence Select Committee when the General Assembly was dissolved last year, except that the commencement date is now to be 1 October 1985.

Clause 1 relates to the Short Title and commencement. The Bill is to come into force on 1 October 1985.

Clause 2 amends the interpretation clause.

Clause 3 puts in a new Part I setting up the new Patriotic and Canteen Funds Board and, apart from minor drafting amendments and the removal of spent provisions, the new Part is based entirely on the present Part I that established the New Zealand Patriotic Fund Board with the name changed, the removal of references to the Canteen Fund Board, and the vesting of the assets and liabilities of the 2 present Boards into the new Board.

Clause 4 amends the provisions relating to the annual report to the Minister to relate it to the present balance date, 30 September, and to remove the strict time limits.

Clause 5 deals with consequential amendments and repeals, including the removal of spent provisions.

Clause 6 is a saving provision providing for references to the 2 present Boards to be read as references to the new Board.

Hon. Peter Tapsell

PATRIOTIC AND CANTEEN FUNDS AMENDMENT

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A BILL INTITULED

An Act to amend the Patriotic and Canteen Funds Act 1947

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

1. Short Title and commencement—(1) This Act may be cited as the Patriotic and Canteen Funds Amendment Act 1985, and shall be read together with and deemed part of the Patriotic and Canteen Funds Act 1947* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of October 1985.

*R.S. Vol. 4, p. 19

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definitions of the expressions “Board”, “Canteen Fund”, “New Zealand Fund”, and “patriotic purpose”, and substituting, in the appropriate alphabetical order, the following definitions:

“ ‘Board’ means the Patriotic and Canteen Funds Board: 5

“ ‘Funds’ means the Patriotic and Canteen Funds established under this Act:

“ ‘Patriotic purpose’ means any purpose for which the Patriotic and Canteen Funds or any Provincial Fund 10 may be used under this Act.”.

(2) Section 2 of the principal Act is hereby amended by omitting from paragraph (c) of the definition of the expression “servicemen” (as substituted by section 2 (1) of the Patriotic and Canteen Funds Amendment Act 1957) the words “the joint 15 application of the New Zealand Patriotic Fund Board and the Canteen Fund Board”, and substituting the words “the application of the Board”.

3. New Part I inserted—The principal Act is hereby amended by repealing Part I, and substituting the following 20 Part:

“PART I

“PATRIOTIC AND CANTEEN FUNDS BOARD

“3. Incorporation of Patriotic and Canteen Funds Board—(1) There is hereby constituted for the purposes of this 25 Act a board to be called the Patriotic and Canteen Funds Board.

“(2) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such 30 acts and things as bodies corporate may do and suffer.

“4. Membership of Board—(1) The Board shall consist of—

“(a) The Secretary for Internal Affairs:

“(b) One member appointed by the Minister on the nomination of each Council to represent that 35 Council:

“(c) Three discharged servicemen appointed by the Minister on the nomination of the New Zealand Returned Services’ Association to represent that Association:

“(d) One discharged serviceman appointed by the Minister 40 on the nomination of the Second New Zealand Expeditionary Force Association to represent that Association:

- “(e) Three discharged servicemen appointed by the Minister on the nomination of the New Zealand Homeservicemen’s Association to represent that Association:
- 5 “(f) One discharged serviceman appointed by the Minister on the nomination of the Air Force Association to represent that Association:
- “(g) One discharged serviceman appointed by the Minister on the joint nomination of the Ex-Royal Naval Men’s Association and the Merchant Service Guild to represent that Association and that Guild:
- 10 “(h) Two members appointed by the Minister to represent discharged servicemen who served in any war in which the Crown was engaged before the Second World War:
- 15 “(i) Five other members appointed by the Minister on the nomination of the Board.
- “(2) In the absence from any meeting of the Board of the Secretary for Internal Affairs any officer of that department authorised by him in that behalf may attend that meeting in his stead. In the absence from any meeting of the Board of any member of the Board appointed under any of the provisions of **paragraphs (b) to (g) of subsection (1)** of this section, the organisation or organisations by whom such member was
- 20 nominated, may authorise any other person to attend that meeting in his stead. While any person is attending a meeting of the Board under this subsection he shall be deemed for all purposes to be a member of the Board. The fact that any person so attends shall be sufficient evidence of his authority
- 25 to do so.
- “(3) Except as otherwise provided in this Act, every appointed member of the Board shall be appointed for a period of 3 years commencing on the 1st day of January following the date of his appointment, but he shall be eligible for
- 30 reappointment.
- “(4) The appointment of members of the Board to replace members due to retire in any year shall be made not later than the 31st day of December in that year:
- “(5) Provided that nothing in this subsection shall be deemed
- 40 to render invalid any appointment made after that date, and the term of office of any such member appointed after that date shall be deemed to commence on the 1st day of January in the year in which he is appointed.
- “(5) The first members of the Board appointed after the
- 45 commencement of the Patriotic and Canteen Funds

Amendment Act 1985 shall commence their terms of office on the 1st day of January 1986 or on the date of their appointment, whichever is the later, and until that date the members of the Board shall, unless they sooner vacate their office, be those persons who, before the commencement of the Patriotic and Canteen Funds Amendment Act 1985, were the members of the New Zealand Patriotic Fund Board. 5

“5. Chairman and Deputy Chairman—(1) At the first meeting of the Board held after the commencement of the Patriotic and Canteen Funds Amendment Act 1985, and at the first meeting of the Board held after the 1st day of October 1985, and in each succeeding financial year, the Board shall appoint a Chairman and a Deputy Chairman. 10

“(2) Any person appointed as the Chairman or Deputy Chairman shall hold office, while he continues to be a member of the Board, until the appointment of his successor in accordance with this section, and may be reappointed. 15

“6. Functions of Board—The functions of the Board shall be to administer the Funds in accordance with the provisions of this Act to the end that the money of the Funds shall be expended to the best advantage for— 20

“(a) The relief, assistance, and support of discharged servicemen who may be suffering from disablement or sickness (whether attributable to war service or otherwise), or out of employment, or otherwise in need, and of the dependants of any such discharged serviceman: 25

“(b) The relief, assistance, and support of the dependants of any deceased serviceman or discharged serviceman:

“(c) Such other purposes as the Minister may from time to time prescribe by notice published in the *Gazette*. 30

“7. Powers of Board—The Board shall have the following powers:

“(a) To expend any money that may be received by it from any source for any of the purposes specified in section 6 of this Act in such manner as it thinks fit: 35

“Provided that all benefactions at any time vested in or enjoyed by the Board with a declaration of trust, or as an endowment for the promotion of any particular purpose, and any trust affecting any property which before the commencement of the Patriotic and Canteen Funds Amendment Act 1985 was vested in the New Zealand Patriotic Fund Board or the Canteen Fund Board, shall be strictly applied by the Board accordingly: 40 45

- “(b) To make grants to any Council either generally or particularly for any of the purposes specified in **section 6** of this Act:
- 5 “(c) To appoint committees of such persons (whether members of the Board or not) as it thinks fit, and to delegate to them such functions as it may determine, and to authorise any such committee to co-opt as members thereof persons who are not members of the Board:
- 10 “(d) To acquire, either by purchase, gift, or otherwise any land, interest in land, or chattels:
- “(e) To improve any land acquired by the Board and to erect, improve, alter, extend, equip, furnish, repair, and maintain any buildings on any such land:
- 15 “(f) To establish institutions on any land for any of the purposes specified in **section 6** of this Act and to maintain those institutions:
- “(g) To grant loans, with or without interest, out of money of the Funds for any of the purposes specified in **section 6** of this Act:
- 20 “(h) To expend any money and generally to take any action for any purpose that in its opinion is ancillary to its principal functions as defined in **section 6** of this Act:
- 25 “(i) To sell or otherwise dispose of any property of the Board that is not required to carry out any of the purposes specified in **section 6** of this Act.

“8. **Officers of Board**—(1) The Board may appoint a Secretary, a Treasurer, and such other officers as it deems
30 necessary for the efficient carrying out of its functions under this Act.

“(2) Where a member of the Board is appointed Treasurer of the Board, the Board may pay to him out of the Funds such amount by way of honorarium as the Board from time to time
35 decides.

“9. **Vesting property in Board**—(1) All real and personal property which immediately before the commencement of the Patriotic and Canteen Funds Amendment Act 1985 was vested in the Canteen Fund Board or the New Zealand Patriotic Fund
40 Board shall, on the commencement of that Act, without conveyance, transfer, or assignment, vest in the Board subject to any liabilities, charges, obligations, and trusts affecting the said property.

“(2) All the contracts, debts, engagements, and liabilities of the Canteen Fund Board or of the New Zealand Patriotic Fund Board immediately before the date of the commencement of the Patriotic and Canteen Funds Amendment Act 1985, shall, on the commencement of that Act, become the contracts, debts, engagements, and liabilities of the Board. 5

“(3) All actions, suits, and proceedings which immediately before the commencement of the Patriotic and Canteen Funds Amendment Act 1985 were pending by or against the Canteen Fund Board or the New Zealand Patriotic Fund Board shall be carried on by the Board. 10

“(4) The District Land Registrar shall, without fee and upon written application under the seal of the Board, register the Board as proprietor of any estates or interests in land registered under the Land Transfer Act 1952 and vested in the Board by virtue of this section. 15

“(5) All property or money which immediately before the commencement of the Patriotic and Canteen Funds Amendment Act 1985 was held by the New Zealand Patriotic Fund Board or the Canteen Fund Board subject to any trust shall be held and applied by the Board for the purposes of that trust. 20

“10. **Patriotic and Canteen Funds established**—(1) There is hereby established a fund, to be called the Patriotic and Canteen Funds, which shall comprise— 25

“(a) All money which, immediately before the commencement of the Patriotic and Canteen Funds Amendment Act 1985, formed part of the Canteen Fund or, as the case may be, the New Zealand Fund: 25

“(b) Any money that may be lawfully payable or donated or bequeathed to the Board: 30

“(c) All money received by the Board from the sale or other disposal of any property of the Board.

“(2) All money which, but for this section, would have been payable into the Canteen Fund or the New Zealand Fund shall be paid into the Funds. 35

“10A. **Patriotic and Canteen Funds Account**—(1) All money payable to the Funds shall be paid to the credit of an account called the Patriotic and Canteen Funds Account, to be kept at the Reserve Bank of New Zealand or at some other bank. 40

“(2) All payments from the Patriotic and Canteen Funds Account shall be authorised—

“(a) By the Board; or

“(b) By a committee authorised for the purpose by the Board. 45

“(3) Every payment authorised in accordance with **subsection (2) (b)** of this section shall be submitted for approval at the next ordinary meeting of the Board.

5 “(4) The Patriotic and Canteen Funds Account shall be operated on by cheque signed by any 2 members of the Board who are members of a committee referred to in **subsection (2) (b)** of this section, or by one such member and the Secretary.

10 “(5) Notwithstanding the amalgamation of the New Zealand Patriotic Fund and the Canteen Fund to form the Patriotic and Canteen Funds by **section 10 (1)** of this Act, the accounts of the Patriotic and Canteen Funds Board shall show the respective contributions which the said New Zealand Patriotic Fund and the Canteen Fund made to the opening balance of the Patriotic and Canteen Funds.

15 **10B. Board may establish subsidiary accounts**—(1) The Board may, by resolution, and using the funds of the Board establish subsidiary accounts, to be kept at such bank or banks as the Board from time to time appoints, and each such account shall have such name and be used only for such purposes as
20 the Board may determine.

“(2) Any subsidiary account established in accordance with **subsection (1)** of this section may be operated on by such person or persons as the Board may from time to time so authorise.

25 **10C. Trustees of war funds may transfer funds to Board**—(1) The trustees of any war fund are hereby authorised to transfer to the Board all real and personal property held by them as such.

“(2) Every such transfer shall take effect from the end of a financial year of the trustees, or on such other date as may
30 be agreed upon between the Board and the trustees.

“(3) All property transferred to the Board pursuant to this section shall be deemed, as from the date of the transfer, to have ceased to form part of a war fund and shall vest in the Board subject to all liabilities, charges, and encumbrances
35 affecting the same. Unless the trustees direct in writing that any property so transferred to the Board shall be held and applied by the Board for any specified purpose for which it was held by them, all property so transferred to the Board shall be held and applied by the Board for the general purposes
40 of the Funds.

“(4) The transfer of any property to the Board under this section shall not operate so as to exempt any trustee from liability under the War Funds Act 1915, or otherwise for any breach of trust or other unlawful act, whether of commission
45 or omission, for which he was legally responsible before the transfer.

“(5) Where the trustees by whom any property is transferred to the Board pursuant to this section are a body corporate under the War Funds Act 1915, that body and every branch society thereof incorporated under that Act shall be deemed to have been dissolved as from the date of the transfer: 5

“Provided that no such body or branch society thereof shall be deemed to have been dissolved until all the property of that body and of that society is transferred to the Board.”

4. Annual report to Minister—The principal Act is hereby amended by repealing section 41, and substituting the following section: 10

“41. (1) The Board shall furnish to the Minister a report of its proceedings and operations during each year ending with the 30th day of September as soon as practicable after the end of that year, together with a copy of its audited accounts for that year and the report of the Audit Office on those accounts. 15

“(2) A copy of the report and the audited accounts, together with the report of the Audit Office on those accounts, shall be laid before Parliament as soon as practicable after its receipt by the Minister.” 20

5. Amendments and repeals—(1) The principal Act is hereby amended in the manner indicated in the **First Schedule** to this Act.

(2) The First Schedule to the Local Authorities (Members' Interests) Act 1968 is hereby amended by omitting from Part II the items relating to the Canteen Fund Board and the New Zealand Patriotic Fund Board, and inserting, in its appropriate alphabetical order, the following item: 25

“The Patriotic and Canteen Funds Board | 1947, No. 63—The Patriotic and Canteen Funds Act 1947.” 30

(3) The First Schedule to the Ombudsmen Act 1975 is hereby amended by omitting from Part II the items relating to the Canteen Fund Board and the New Zealand Patriotic Fund Board, and inserting, in its appropriate alphabetical order, the following item: 35

“The Patriotic and Canteen Funds Board.”

(4) The enactments specified in the **Second Schedule** to this Act are hereby repealed.

6. Savings—Unless the context otherwise requires, every reference in any other Act or in any regulation, rule, order, instrument, notice, or other document whatever to the New Zealand Patriotic Fund Board or to the Canteen Fund Board shall, after the commencement of this Act, be read as a reference to the Patriotic and Canteen Funds Board. 40

SCHEDULES

FIRST SCHEDULE

Section 5 (1)

CONSEQUENTIAL AMENDMENTS TO PRINCIPAL ACT

Section	Amendment
Section 33	By omitting from subsection (1) and subsection (4) the words "either Board", and substituting in each case the words "the Board".
	By omitting from subsection (2) the words "New Zealand Patriotic Fund".
Section 34	By omitting from subsection (1) the words "each Board" in both places where they occur, and substituting in both cases the words "the Board".
	By omitting from subsection (2) the words "either Board" in both places where they occur, and substituting in both cases the words "the Board".
	By omitting from subsection (4) the words "a Board", and substituting the words "the Board".
Section 35	By omitting from subsection (1) (a) the words ", or section 28".
	By omitting from subsection (2) (as added by section 4 of the Patriotic and Canteen Funds Amendment Act 1948) the words "Each Board", and substituting the words "The Board".
	By repealing subsection (3) (as added by section 4 of the Patriotic and Canteen Funds Amendment Act 1948).
Section 36	By omitting the words "Each Board", and substituting the words "The Board".
	By omitting the expression "\$500" (as substituted by section 4 of the Patriotic and Canteen Funds Amendment Act 1952), and substituting the expression "\$1,000".
Section 37	By omitting the words "either Board" wherever they occur, and substituting in each case the words "the Board".
Section 38	By repealing subsection (1), and substituting the following subsection: "(1) All land, interests in land, and chattels purchased with money belonging to the Funds or to any Provincial Fund or acquired in any manner by the Board or by any Council shall be vested in the Board or the appropriate Council, as the case may be." By omitting from subsection (2) the words "Each Board", and substituting the words "The Board".

FIRST SCHEDULE—*continued*CONSEQUENTIAL AMENDMENTS TO PRINCIPAL ACT—*continued*

Section	Amendment
Section 39 (as substituted by section 10 (1) of the Fees and Travelling Allowances Act 1951)	By omitting from subsection (3) (as substituted by section 3 of the Patriotic and Canteen Funds Amendment Act 1967) the words "any Fund", and substituting the words "the Funds or any Provincial Fund".
Section 40	By omitting the words "New Zealand Fund or the Canteen Fund, as the case may require", and substituting the word "Funds". By omitting the words "each Board" in both places where they occur, and substituting in both cases the words "the Board".
Section 42 (1)	By omitting from subsection (1) and subsection (2) the words "Each Board", and substituting in each case the words "The Board". By omitting from subsection (1A) (as inserted by section 6 of the Patriotic and Canteen Funds Amendment Act 1950) the words "either Board", and substituting the words "the Board".
Section 43	By omitting the words "Canteen Board", and substituting the word "Board". By omitting the words "Canteen Fund", and substituting the word "Funds".
Section 44 (1)	By omitting from subsection (1) the words "Each Board", and substituting the words "The Board". By omitting from subsection (2) the words "either Board", and substituting the words "the Board".
Section 46 (1) (c)	By omitting the words "New Zealand Patriotic Fund".
Section 47	By omitting the words "either Board", and substituting the words "the Board". By omitting the words "New Zealand Fund or the Canteen Fund as the case may be", and substituting the word "Funds".
Section 49 (1)	By omitting from subsection (1) and subsection (3) in each case the words "New Zealand Patriotic Fund".
Section 49 (1)	By omitting the words "New Zealand Fund or to the Canteen Fund", and substituting the word "Funds". By omitting the words "either Board", and substituting the words "the Board". By omitting the words "the Fund", and substituting the words "the appropriate fund".

SECOND SCHEDULE

Section 5 (4)

ENACTMENTS REPEALED

- 1947, No. 63—The Patriotic and Canteen Funds Act 1947: Section 16 and Part III. (R.S. Vol. 4, p. 19.)
- 1948, No. 29—The Patriotic and Canteen Funds Amendment Act 1948: Sections 2 and 3. (R.S. Vol. 4, p. 53.)
- 1949, No. 20—The Patriotic and Canteen Funds Amendment Act 1949: Sections 2, 3, and 6. (R.S. Vol. 4, p. 54.)
- 1950, No. 64—The Patriotic and Canteen Funds Amendment Act 1950: Sections 2, 3, 4 (1), (2), 7, 10, and 11. (R.S. Vol. 4, p. 56.)
- 1951, No. 55—The Patriotic and Canteen Funds Amendment Act 1951: Section 2. (R.S. Vol. 4, p. 58.)
- 1952, No. 60—The Patriotic and Canteen Funds Amendment Act 1952. (R.S. Vol. 4, p. 59.)
- 1960, No. 82—The Patriotic and Canteen Funds Amendment Act 1960. (R.S. Vol. 4, p. 60.)
- 1964, No. 103—The Patriotic and Canteen Funds Amendment Act 1964. (R.S. Vol. 4, p. 61.)
- 1973, No. 84—The Patriotic and Canteen Funds Amendment Act 1973: Section 2 (2) and (6). (R.S. Vol. 4, p. 62.)
- 1979, No. 103—The Patriotic and Canteen Funds Amendment Act 1979. (R.S. Vol. 4, p. 63.)