

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
25th November, 1947*

Hon. Mr. Parry

PATRIOTIC AND CANTEEN FUNDS

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A BILL INTITULED

Title.	AN ACT to make Provision for the Administration and Control of Moneys raised for Patriotic Purposes and of the Accumulated Profits and Surplus Property of the Canteen Board and for Matters incidental thereto.	5
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	
Short Title and commencement.	1. This Act may be cited as the Patriotic and Canteen Funds Act, 1947, and shall come into force on the <i>first</i> day of <i>May</i> , nineteen hundred and forty-eight.	10
Interpretation.	2. In this Act, unless the context otherwise requires,—	
	“ Board ” means the New Zealand Patriotic Fund Board or the Canteen Fund Board as the case may be:	15
	“ Canteen Fund ” means the Canteen Fund established under this Act:	
	“ Council ” means a Provincial Patriotic Council constituted under this Act, and in relation to any provincial district means the Council for that district:	20
	“ Discharged serviceman ” means a serviceman who, whether before or after the passing of this Act, has ceased to serve as a serviceman:	25
	“ Financial year ” means a year ending on the <i>thirtieth</i> day of September:	
	“ Minister ” means the Minister of Internal Affairs:	30
	“ New Zealand Fund ” means the New Zealand Patriotic Fund established under this Act:	
	“ Patriotic purpose ” means any purpose for which the New Zealand Fund or the Canteen Fund or any Provincial Fund may be used under this Act:	35
	“ Provincial district ” means a provincial patriotic district under this Act:	
	“ Provincial Fund ” means a Provincial Patriotic Fund established under this Act:	40
Serial number 1939/194	“ The Regulations ” means the Patriotic Purposes Emergency Regulations 1939:	
1941, No. 25	“ Serviceman ” means a serviceman within the meaning of Part I of the Rehabilitation Act, 1941; and includes any person who, by reason	45

of service rendered while he was ordinarily resident outside New Zealand, would have been such a serviceman if he had then been ordinarily resident in New Zealand:

- 5 “ The War ” means the Second World War; and expressions relating to the duration or termination thereof have the same meaning as in section sixteen of the Finance Act, 1945. 1945, No. 2

PART I

10 THE NEW ZEALAND PATRIOTIC FUND BOARD

3. There is hereby constituted for the purposes of this Act a body corporate under the name of The New Zealand Patriotic Fund Board, having perpetual succession and a common seal, and being capable of

15 holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

Incorporation
of New Zealand
Patriotic Fund
Board.

4. (1) The Board shall consist of—
- (a) The Governor-General:
- (b) The Under-Secretary of Internal Affairs:
- 20 (c) One member appointed by the Minister on the nomination of each Council to represent that Council:
- (d) Three discharged servicemen appointed by the Minister on the nomination of the New Zealand Returned Services Association to
- 25 represent that Association:
- (e) One discharged serviceman appointed by the Minister on the nomination of the Second New Zealand Expeditionary Force Association to represent that Association:
- 30 (f) Three discharged servicemen appointed by the Minister on the nomination of the New Zealand Homeservicemen's Association to represent that Association:
- 35 (g) One discharged serviceman appointed by the Minister on the nomination of the Air Force Association to represent that Association:
- (h) 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:
- 40 (i) Five other members appointed by the Minister on the nomination of the Board.

Membership of
the Board.

(2) In the absence from any meeting of the Board of the Under-Secretary of Internal Affairs, any member of his Department authorized by him in that behalf may attend that meeting in his stead, and while so attending shall be deemed to be a member of the Board. The fact that any person so attends shall be sufficient evidence of his authority so to do. 5

(3) Except as otherwise provided in this Act, every appointed member of the Board shall be appointed for a period of *three* years commencing on the *first* day of *October* in the year of his appointment, but he shall be eligible for reappointment. 10

(4) The appointment of members of the Board to replace members due to retire in any year shall be made not later than the *thirtieth* day of *September* in that year: 15

Provided that nothing in this subsection shall be deemed to render invalid any appointment made after that date.

(5) The first-appointed members of the Board may be appointed at any time after the passing of this Act and shall come into office at the commencement of this Act or on the date of appointment whichever is the later. For the purposes of this subsection nominations under paragraphs (c) and (i) of subsection *one* of this section may be made before the commencement of this Act by a Provincial Patriotic Council constituted under the Regulations or by the National Patriotic Fund Board constituted under the Regulations, as the case may require. 20 25 30

Chairman and
Deputy
Chairman.

5. (1) The Governor-General shall be the Chairman of the Board.

(2) At the first meeting of the Board held after the commencement of this Act, and at the first meeting of the Board held after the *first* day of *October* in the year nineteen hundred and forty-eight, and in each succeeding financial year the Board shall appoint a Deputy Chairman. 35

(3) Any person appointed as the 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. 40

Functions of
the Board.

6. The functions of the Board shall be to administer the New Zealand Fund in accordance with the provisions of this Act to the end that the moneys of that Fund shall be expended to the best advantage for— 45

- 5 (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:
- 10 (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*.
- 15 7. The Board shall have the following powers:— Powers of the Board.
- (a) To expend any moneys that may be received by it from any source for any of the purposes specified in section *six* of this Act in such manner as it thinks fit:
- 20 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 this Act was vested in the National Patriotic Fund Board shall be strictly applied by the Board accordingly:
- 25 (b) To make grants to any Council either generally or particularly for any of the purposes specified in section *six* of this Act:
- 30 (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 authorize any such committee to co-opt as members thereof persons who are not members of the Board:
- 35 (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:
- 40 (f) To establish institutions on any land for any of the purposes specified in section *six* of this Act and to maintain those institutions:

- (g) To grant loans, with or without interest, out of moneys of the Fund for any of the purposes specified in section *six* of this Act:
- (h) To expend any moneys and generally to take any action for any purpose that in its opinion is ancillary to its principal functions as defined in section *six* of this Act: 5
- (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 *six* of this Act. 10

Officers of the Board.

8. (1) There shall be appointed as officers of the Public Service a Secretary of the Board, who shall also be the Secretary of the Canteen Fund Board constituted under this Act, and such other officers as may be deemed necessary to assist the Secretary in the efficient carrying out of the functions of each Board under this Act. 15

(2) The Board may appoint a Treasurer and such other officers and servants, other than the Secretary and members of the staff of the Secretary of the Board, as it deems necessary for the efficient carrying out of its functions under this Act. 20

(3) The salaries of the Secretary and of the other officers of the Board appointed as officers of the Public Service, the cost of reasonable office accommodation for the Board, and the reasonable administrative expenses of the Board shall be paid out of moneys appropriated by Parliament for the purpose. If any question arises as to the reasonableness of the cost of office accommodation or of administrative expenses, that question shall be decided by the Minister of Finance, whose decision shall be final. 25 30

Vesting property in the Board.

9. (1) All real and personal property which immediately before the commencement of this Act is vested in the National Patriotic Fund Board established under the Regulations, shall by force of this Act, and without conveyance, transfer, or assignment, be deemed to be vested in the New Zealand Patriotic Fund Board for the estate and interest of the National Patriotic Fund Board therein, subject to all liabilities, charges, obligations, and trusts affecting the same. 35 40

(2) On the commencement of this Act all the contracts, debts, and liabilities of the National Patriotic Fund Board shall become the contracts, debts, and liabilities of the New Zealand Patriotic Fund Board.

5 (3) The District Land Registrar shall, on written application under the seal of the New Zealand Patriotic Fund Board, register that Board as proprietor of any estates or interests in land registered under the Land Transfer Act, 1915, and vested in the Board by virtue
10 of this Act.

See Reprint
of Statutes,
Vol. VII,
p. 1162

10. (1) There is hereby established a fund, to be called the New Zealand Patriotic Fund (hereinafter referred to as the New Zealand Fund), which shall consist of—

New Zealand
Patriotic Fund
established.

15 (a) All moneys which immediately before the commencement of this Act formed part of the National Patriotic Fund established under the Regulations:

20 (b) All moneys that may be contributed to the New Zealand Fund or that may otherwise be lawfully payable into that Fund:

(c) All moneys received by the Board from the sale or other disposal of any property of the Board:

25 (d) All accumulations of moneys belonging to that Fund.

(2) All moneys which, if this section had not been passed, would have been payable into the National Patriotic Fund shall be paid into the New Zealand
30 Fund.

(3) All moneys belonging to the New Zealand Fund shall be paid into an account at the Reserve Bank of New Zealand to be called the New Zealand Patriotic Fund Account.

35 (4) No moneys shall be paid out of the New Zealand Patriotic Fund Account except pursuant to a resolution of the Board:

40 Provided that no bank or payee or other person shall be concerned to inquire whether any cheque drawn on the New Zealand Patriotic Fund Account has been authorized by a resolution of the Board.

(5) Moneys belonging to the New Zealand Fund may be paid out of the New Zealand Patriotic Fund Account into any one or more subsidiary accounts established from time to time at the discretion of the Board at the Reserve Bank of New Zealand under such appropriate names as the Board may approve or determine. 5

(6) The New Zealand Patriotic Fund Account shall be operated on only by cheque signed by the Treasurer of the New Zealand Fund duly appointed by the Board and countersigned by two of such members of the Board as the Board appoints for the purpose. 10

(7) Every subsidiary account may be operated on by such officer or officers of the Board as the Board may from time to time appoint in that behalf, and the Board may from time to time by resolution authorize in general terms the purposes for which that subsidiary account may be used: 15

Provided that no bank or payee or other person shall be concerned to inquire whether any cheque drawn upon a subsidiary account is within the authority of a resolution of the Board authorizing operations upon that account. 20

PART II

PROVINCIAL PATRIOTIC COUNCILS 25

Provincial Districts

Provincial
districts.

11. For the purposes of this Act New Zealand shall be divided into provincial districts with the names specified in the *First Schedule* to this Act and with such boundaries as are specified in that behalf by the Minister by notice published in the *Gazette*. 30

Union of
provincial
districts.

12. (1) The Minister may from time to time, by notice published in the *Gazette*, declare any two or more provincial districts to be united and to form one provincial district. 35

(2) Every notice given under this section shall specify the name and boundaries of the new district and the date from which the new district is constituted.

(3) Every new district constituted under this section shall be deemed to be a provincial district established under this Act, and the provisions of this Act shall apply thereto accordingly. 40

13. (1) The Minister may from time to time, by notice published in the *Gazette*, alter and redefine the boundaries of any provincial district by the inclusion therein or the exclusion therefrom of any area.

Alteration of boundaries of districts.

5 (2) Every notice given under this section shall define the boundaries of any area thereby included in or excluded from any district, and the altered boundaries so defined shall, as from the taking effect of the notice, be the boundaries of the districts specified
10 therein.

14. Regulations made under this Act may provide for all necessary financial and other adjustments consequential on the constitution of new provincial districts under section *twelve* of this Act or on the
15 alteration of the boundaries of provincial districts under section *thirteen* of this Act.

Regulations may provide for consequential adjustments.

Provincial Patriotic Councils

15. There is hereby constituted for the purposes of this Act, for each provincial district a Provincial
20 Patriotic Council, which shall be a body corporate under the name of the [*Name of district*] Provincial Patriotic Council, having perpetual succession and a common seal, and being capable of holding real and personal property and of doing and suffering all that
25 bodies corporate may do and suffer.

Incorporation of Provincial Patriotic Councils.

16. The first members of the Council shall consist of those persons who were members of the Provincial Patriotic Council established under the Regulations for the provincial district concerned immediately before
30 the commencement of this Act. Those members shall remain members of the Council until their successors are appointed under rules made pursuant to this Act and shall be eligible for reappointment.

First members of Council.

17. (1) The Council shall be constituted in such
35 manner as may be prescribed by rules made under this section:

Constitution of Council.

Provided that the Council shall include one or more discharged servicemen appointed to represent the discharged servicemen's organizations in that district.

(2) The Council shall not later than the *first* day of *August*, nineteen hundred and forty-eight, prepare and submit to the Minister for his approval rules defining the constitution of the Council, which shall make provision for:—

5

(a) The number of members of the Council and the qualifications for membership:

(b) The procedure for the nomination and appointment of members:

(c) The procedure for the vacation of office of 10 members of the Council:

(d) The procedure for the election and appointment of and the vacation of office of a Chairman and a Deputy Chairman of the Council:

(e) The procedure for the setting up of Welfare 15 Committees in the provincial district, the appointment and vacation of office of the members of those committees and the powers, functions, duties, and regulation of proceedings of those committees: 20

(f) Such other matters as the Minister may require.

(3) The Council may from time to time vary, revoke, or add to any of its rules made under this section.

(4) No such rules and no such variation, revocation, 25 or addition shall come into force until approved by the Minister, who, before approving the same, may require the Council to make such amendments therein or additions thereto as he thinks fit.

(5) If the Council fails to comply with any of the 30 provisions of this section, the Minister may make such rules as he thinks fit in respect of any of the matters specified in subsection two hereof and all rules so made shall have effect as if they had been made by the Council under this section and approved by the 35 Minister.

(6) The rules of the Council made under the Regulations and in force immediately before the commencement of this Act shall, so far as they provide for any of the matters specified in subsection *two* 40 hereof, enure for the purposes of this section until they are revoked or superseded by rules made under this section.

18. Every new Council formed by the union of two or more provincial districts shall, within three months after the holding of the first meeting of the new Council, prepare and submit to the Minister for his approval
 5 rules defining the constitution of that new Council which shall make provision for all the matters specified in section *seventeen* of this Act and all the provisions of that section shall, so far as applicable and with any necessary modifications, apply to the new Council as if
 10 it were a Provincial Patriotic Council constituted under section *fifteen* of this Act.

Rules of new
 Provincial
 Councils.

19. The functions of the Council shall be to administer the Provincial Fund for the provincial district in accordance with the provisions of this Act to the end
 15 that the moneys of the Provincial Fund shall be expended to the best advantage for—

Functions of
 Council.

(a) The relief, assistance and support of discharged servicemen for the time being residing in the provincial district who may be suffering from
 20 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 for the time being residing in the provincial district of any deceased serviceman or discharged serviceman:

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

20. The Council shall have the following powers:—

Powers of
 Council.

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

40 Provided that all benefactions at any time vested in or enjoyed by the Council with a declaration of trust, or as an endowment for the promotion of any particular purposes, and any trust affecting any property which prior to the commencement of this Act was vested in a Provincial Patriotic Council constituted under the Regulations shall be strictly applied
 45 by the Council accordingly:

- (b) To make grants to any Welfare Committee set up in the provincial district either generally or particularly for any of the purposes specified in section *nineteen* of this Act:
- (c) To appoint Welfare Committees in accordance with the rules of the Council in that regard and to delegate to those committees either generally or particularly such functions as the Council may determine: 5
- (d) To appoint other committees of such persons (whether members of the Council or not) as it thinks fit, and to delegate to them such functions as it may determine; and to authorize any such other committee to co-opt as members thereof persons who are not members of the Council: 10 15
- (e) To acquire either by purchase, gift, or otherwise, any land, interest in land, or chattels:
- (f) To improve any land acquired by the Council and to erect, improve, alter, extend, equip, furnish, repair, and maintain any buildings on such land: 20
- (g) To grant loans, with or without interest, out of moneys of its Provincial Fund for any of the purposes specified in section *nineteen* of this Act: 25
- (h) To make payments out of its Provincial Fund to the Board to be applied by the Board for any of the purposes specified in section *six* of this Act. 30

Officers of
Council.

21. The Council may appoint such officers and other servants as it deems necessary for the efficient carrying out of its functions under this Act and may pay them such remuneration as it thinks fit.

Vesting
property in
Council.

22. (1) All real and personal property which immediately before the commencement of this Act is vested in a Provincial Patriotic Council constituted under the Regulations shall by force of this Act, and without conveyance, transfer, or assignment be deemed to be vested in the Council for that provincial district constituted under this Act for the estate and interest 35 40

of that Provincial Patriotic Council therein, subject to all liabilities, charges, obligations, and trusts affecting the same.

(2) On the commencement of this Act all the contracts, debts, and liabilities of the Provincial Patriotic Council constituted under the Regulations shall become the contracts, debts, and liabilities of the Council constituted under this Act.

(3) The District Land Registrar shall, on written application under the seal of the Council, register the Council as proprietor of any estates or interests in land registered under the Land Transfer Act, 1915, and vested in the Council by virtue of this Act.

See Reprint
of Statutes,
Vol. VII,
p. 1162.

23. (1) There is hereby established for the purposes of this Act, for each provincial district, a fund to be called the [*Name of district*] Provincial Patriotic Fund, which shall consist of—

Provincial
Patriotic
Funds
established.

(a) All moneys which immediately before the commencement of this Act formed part of the Provincial Patriotic Fund of that district:

(b) All moneys that may be contributed to that Provincial Fund or that otherwise be lawfully payable into that Fund:

(c) All moneys received by the Council from the sale or other disposal of any property of the Council:

(d) All accumulations of moneys belonging to the Provincial Fund.

(2) All moneys which, if this section had not been passed, would have been payable into any Provincial Patriotic Fund under the Regulations shall be paid into the Provincial Fund under this Act of the provincial district concerned.

(3) All moneys belonging to the Provincial Fund shall be paid into such bank within the meaning of the Banking Act, 1908, as the Council may determine to the credit of an account to be known as the [*Name of district*] Provincial Patriotic Fund Account.

Ibid., Vol. 1,
p. 447

(4) No moneys shall be paid out of any such Account except pursuant to a resolution of the Council:

Provided that no bank or payee or other person shall be concerned to inquire whether any cheque drawn on any such Account has been authorized by a resolution of the Council. 5

(5) Moneys belonging to any Provincial Fund may be paid out of any such Account into any one or more subsidiary accounts established from time to time at the discretion of the Council at the branch of the bank where the principal account is kept under such appropriate names as the Council may approve or determine. 10

(6) Each Provincial Patriotic Fund Account shall be operated on only by cheque signed by the Treasurer of the Fund duly appointed by the Council and countersigned by two of such members of the Council as the Council appoints for the purpose. 15

(7) Every subsidiary account may be operated on by such officer or officers of the Council as the Council may from time to time appoint in that behalf, and the Council may by resolution authorize in general terms the purposes for which that subsidiary account may be used: 20

Provided that no bank or payee or other person shall be concerned to inquire whether any cheque drawn upon a subsidiary account is within the authority of a resolution of the Council authorizing operations upon that account. 25

Welfare
Committees.

24. (1) The Council may from time to time set up in any part of its district a Welfare Committee for the purpose of supervising and assisting in the more efficient performance of the functions of the Council in that locality. 30

(2) The procedure for the appointment and vacation of office of the members of those committees and the powers, functions, duties, and regulation of the proceedings of those committees shall be such as the Council may determine, subject to the provisions of this Act and of any rules in that behalf made under section *seventeen* of this Act. 35 40

(3) Any Welfare Committee may from time to time appoint a suitable person to be the secretary and treasurer of that Committee and may at any time revoke any such appointment. Any person so appointed
5 may be paid such honorarium or remuneration and allowances as the Council may determine.

(4) Each Welfare Committee shall keep full and correct accounts in such manner as the Council may require, of all moneys received and expended by it,
10 and shall produce to the Council when required all books, papers, accounts, and other documents relating to the receipts and expenditure of moneys received and expended by the Committee.

(5) The Council may for the purpose of appointing
15 Welfare Committees subdivide its district and may from time to time alter and redefine the boundaries of any subdivision.

PART III

THE CANTEEN FUND BOARD

20 **25.** There is hereby constituted for the purposes of this Act a body corporate under the name of the Canteen Fund Board, having perpetual succession and a common seal, and being capable of
25 suffering all that bodies corporate may do and suffer.

Incorporation
of Canteen
Fund Board.

26. (1) The Board shall consist of those persons for the time being appointed as members of the New Zealand Patriotic Fund Board to represent the discharged servicemen's organizations specified in section
30 *four* of this Act. Those persons shall be members of the Canteen Fund Board without any further appointment.

Membership of
the Board.

(2) Every member of the Canteen Fund Board shall hold office only while he is a member of the New
35 Zealand Patriotic Fund Board as representing one of the said organizations.

(3) The first members of the Board shall come into office at the commencement of this Act or on the date of appointment as members of the New Zealand Patriotic Fund Board whichever is the later.

Chairman and
Deputy
Chairman.

27. (1) At the first meeting of the Board held after the commencement of this Act, and at the first meeting of the Board held after the *first* day of *October* in the year nineteen hundred and forty-eight, and in each succeeding financial year the Board shall appoint a Chairman and a Deputy Chairman.

(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.

Functions of
the Board.

28. The functions of the Board shall be to administer the Canteen Fund in accordance with the provisions of this Act to the end that the moneys of that Fund shall be expended to the best advantage for—

- (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;
- (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*.

Powers of
the Board.

29. The Board shall have the following powers:—

- (a) To expend any moneys that may be received by it from any source for any of the purposes specified in section *twenty-eight* of this Act in such manner as it thinks fit:

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 shall be strictly applied by the Board accordingly:
- 5 (b) 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 authorize any such committee to co-opt as members thereof persons who are not members of the Board:
- 10 (c) To acquire, either by purchase, gift, or otherwise, any land, interest in land, or chattels:
- (d) 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 (e) To establish institutions on any land for any of the purposes specified in section *twenty-eight* of this Act and to maintain those institutions:
- (f) To grant loans, with or without interest, out of moneys of the Fund for any of the purposes specified in section *twenty-eight* of this Act:
- 20 (g) To expend any moneys and generally to take any action for any purpose that in its opinion is ancillary to its principal functions as defined in section *twenty-eight* of this Act:
- 25 (h) 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 *twenty-eight* of this Act.
- 30 **30.** (1) The Board may appoint a Treasurer and such other officers and servants, other than the Secretary and members of the staff of the Secretary of the Board, as it deems necessary for the efficient carrying-out of its functions under this Act. Officers of the Board.
- 35 (2) The cost of reasonable office accommodation for the Board, and the reasonable administrative expenses of the Board shall be paid out of moneys appropriated by Parliament for the purpose. If any question arises as to the reasonableness of the cost of office accommodation or of administrative expenses, that question shall
- 40 be decided by the Minister of Finance, whose decision shall be final.

Canteen Fund
established.

Serial number
1939/242

31. (1) There is hereby established a fund, to be called the Canteen Fund, which shall consist of—

(a) All moneys which the Canteen Board constituted under the Defence Canteen Emergency Regulations 1939 shall pay to the Canteen Fund Board out of accumulated profits arising from the operations of the Canteen Board. 5

(b) All moneys that may be contributed to the Fund or that may otherwise be lawfully payable into that Fund: 10

(c) All moneys received by the Board from the sale or other disposal of any property of the Board:

(d) All accumulations of moneys belonging to that Fund. 15

(2) All moneys belonging to the Canteen Fund shall be paid into an account at the Reserve Bank of New Zealand to be called the Canteen Fund Account.

(3) No moneys shall be paid out of the Canteen Fund Account except pursuant to a resolution of the Board: 20

Provided that no bank or payee or other person shall be concerned to inquire whether any cheque drawn on the Canteen Fund Account has been authorized by a resolution of the Board. 25

(4) Moneys belonging to the Canteen Fund may be paid out of the Canteen Fund Account into any one or more subsidiary accounts established from time to time at the discretion of the Board at the Reserve Bank of New Zealand under such appropriate names as the Board may approve or determine. 30

(5) The Canteen Fund Account shall be operated on only by cheque signed by the Treasurer of the Fund duly appointed by the Board and countersigned by two of such members of the Board as the Board appoints for the purpose. 35

(6) Every subsidiary account may be operated on by such officer or officers of the Board as the Board may from time to time appoint in that behalf, and the

Board may from time to time by resolution authorize in general terms the purposes for which that subsidiary account may be used:

5 Provided that no bank or payee or other person shall be concerned to inquire whether any cheque drawn upon a subsidiary account is within the authority of a resolution of the Board authorizing operations upon that account.

10 **32.** It shall be lawful for the Canteen Board constituted under the Defence Canteen Emergency Regulations 1939 to pay into the Canteen Fund established under this Act so much of the accumulated profits arising from the operations of that Board as it thinks fit and to transfer to the Canteen Fund Board
15 established under this Act any real or personal property vested in the Canteen Board.

Canteen Board may pay surplus profits to Fund and transfer property to Canteen Fund Board.

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PART IV

GENERAL PROVISIONS

20 **33.** (1) Any member appointed to either Board or to any Council may at any time resign his office by writing addressed to the Minister.

Extraordinary vacancies.

25 (2) If any appointed member of the New Zealand Patriotic Fund Board or of any Council dies, or resigns his office, or becomes incapable in the opinion of the Minister of acting as a member, the vacancy shall as soon as practicable thereafter be filled by the appointment of a new member in the manner in which the vacating member was appointed.

30 (3) Any person appointed to fill a vacancy under this section shall hold office only for the remainder of the term for which his predecessor was appointed.

(4) Notwithstanding anything to the contrary in this Act, every member of either Board or of any Council, unless he sooner vacates his office, shall continue in
35 office until his successor comes into office.

34. (1) Meetings of each Board and of each Council shall be held at such times and places as it determines, but each Board and each Council shall meet at least once in each financial year.

Meetings.

(2) The Minister may at any time call a special meeting of either Board or of any Council and any three members of either Board or of a Council may at any time by notice in writing request the Minister to call a special meeting of that Board or of that Council and thereupon the Minister shall call a special meeting to be held not later than one month after the day on which he receives the notice. 5

(3) All members for the time being in New Zealand shall be given at least seven clear days' notice in writing of any meeting. Every such notice shall be sent by post and addressed to the member at his last known place of abode or business in New Zealand, and shall be deemed to have been received when it would in the ordinary course of post be delivered. 10 15

(4) At any meeting of a Board or of a Council not less than one-half of the members shall form a quorum.

(5) All questions before the Board or Council shall be decided by a majority of the valid votes recorded thereon. 20

(6) The Chairman shall preside at all meetings of the Board or Council at which he is present.

(7) In the absence of the Chairman from any such meeting, the Deputy Chairman, if present, shall preside. In the absence from any such meeting of both the Chairman and the Deputy Chairman, the members present shall appoint one of their number to be the Chairman of that meeting. 25

(8) At every meeting the Chairman shall have a deliberative vote, and, in case of an equality of votes, shall also have a casting vote. 30

35. The Board and each Council shall, in addition to any other powers conferred on it by any other provisions of this Act, have the following powers:— 35

(a) To join with the National War Funds Council constituted under the War Funds Act, 1915, or with any Society incorporated under the provisions of that Act in the exercise of any of the powers of the Board or Council if in the opinion of the Board or Council any of the purposes specified in section *six*, or section *nineteen*, or section *twenty-eight* of this Act, as the case may be, can thereby be more effectively or more conveniently attained: 40 45

Additional powers of each Board and each Council.

See Reprint of Statutes, Vol. VIII, p. 1058

(b) In making any payments authorized by this Act to impose in its discretion such conditions as it thinks fit for the purpose of ensuring that the moneys are expended only for the purpose specified, and to the best advantage:

(c) To borrow moneys from time to time on the security of any property of the Board or Council.

36. Each Board and each Council may, in any financial year, expend out of its general fund for purposes not authorized by this or any other Act, any sum or sums not amounting in the whole to more than *fifty* pounds.

Unauthorized expenditure.

37. (1) Any contract which, if made between private persons, must be by deed shall, when made by either Board or by any Council, be in writing under the common seal of the Board or Council.

Contracts of either Board or of any Council.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, when made by either Board or by any Council, be in writing signed by any person acting on behalf of and under the express or implied authority of the Board or Council.

(3) Any contract which, if made between private persons, may be made orally without writing may, when made by either Board or by any Council, be made orally without writing by any person acting on behalf of and under the express or implied authority of the Board or Council, but no oral contract shall be made for any sum exceeding *twenty* pounds.

(4) The common seal of either Board or of any Council shall not be affixed to any document except pursuant to a resolution of the Board or Council, and the execution of any document so sealed shall be attested by two members of the Board or Council as the case may be.

38. (1) All land, interests in land, and chattels purchased with money belonging to the New Zealand Fund, or to the Canteen Fund, or to any Provincial Fund or acquired in any manner by either Board or by any Council shall be vested in the appropriate Board or Council as the case may be.

Vesting, management, and investment of property.

(2) Each Board and each Council may from time to time appoint such person or body of persons (whether incorporated or not) as it thinks fit, being in the opinion of the Board or Council specially qualified for the purpose, to manage, carry on, or maintain any property or institution or to expend any moneys or apply any personal property on behalf of the Board or Council on such terms and conditions as may be agreed upon by the Board or Council and that person or body. 5

(3) Subject to the terms of any trust or endowment affecting the same, all moneys belonging to any Fund and not immediately required for expenditure by the Board or Council concerned may from time to time be invested in such securities (being securities in which, for the time being, trust moneys may lawfully be invested under the provisions of the Trustee Act, 1908) in such manner and for such periods as the Board or Council may decide. 10 15

See Reprint
of Statutes,
Vol. VIII,
p. 873

Travelling-
expenses of
members of
Boards and
Councils.

Serial number
1941/149

Accounts.

See Reprint
of Statutes,
Vol. VII, p. 10

39. The members of each Board (other than the Governor-General, the Under-Secretary of Internal Affairs and the person authorized by him to attend any meeting of the Board in his stead), and the members of each Council, shall be paid out of the New Zealand Fund or out of the Canteen Fund or out of the appropriate Provincial Fund travelling allowances and expenses in accordance with the Travelling-allowance Regulations 1941, at such rates as may from time to time be approved by the Minister of Finance. 20 25

40. (1) Each Board and each Council shall keep full and correct accounts of all moneys received and expended by it, and the accounts shall be audited by the Audit Office, which for that purpose shall have all powers that it has under the Public Revenues Act, 1926, in respect of public moneys and the audit of local authorities' accounts. 30 35

(2) Each Board and each Council shall, as soon as possible after the end of any financial year, cause its accounts for that year to be balanced, and full and true statements and accounts of all the moneys received and expended by it in that year and of its assets and liabilities at the end of that year, to be prepared and submitted to the Audit Office. 40

41. (1) Each Board and each Council shall, not later than the thirty-first day of December in each year, furnish to the Minister a report of its proceedings and operations for the preceding financial year, together with a copy of its accounts for that year certified by the Audit Office.

Annual Report
to the
Minister.

(2) A copy of the report and of the accounts so certified shall be laid before Parliament within twenty-eight days after the receipt thereof by the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

42. (1) The Minister may at any time cause an investigation of the administration and accounts of the Canteen Board, or of any Council, or of any Welfare Committee, or of any agent of the Board or Council appointed under section *thirty-eight* of this Act, or of the Canteen Fund, or of any Provincial Fund to be made by any person appointed by the Minister for that purpose.

Investigation
of
administration
and accounts
of Canteen
Board and
Provincial
Councils.

(2) When any such investigation has been directed by the Minister it shall be the duty of all persons affected to afford to the person so appointed full information on all matters relating to the investigation, and to produce to him all such books, papers, accounts, and other documents as may be necessary for him to make the investigation; and every person who makes default in so doing, or who in any manner obstructs the investigation, or deceives, or attempts to deceive the person so appointed commits an offence against this Act.

(3) If, on considering the report of the investigation, the Minister is of the opinion that any person has been guilty of a breach of trust or negligence or other culpability, he may apply to a Stipendiary Magistrate for an order directing that the costs and expenses of the investigation, according to the scale for the time being in force for the audit of local authorities' accounts under the Public Revenues Act, 1926, or any part of such costs and expenses, be paid by that person to the Minister, and any order made on any such application shall be enforceable as a judgment of the Magistrate's Court. Any such order may be made against two or more persons so as to impose a joint and several liability upon them.

See Reprint
of Statutes,
Vol. VII, p. 10

Rules.

43. (1) Each Board and each Council may from time to time by resolution, make rules not inconsistent with this Act and, in the case of any Council, not inconsistent with any rules made under section *seventeen* of this Act, for all or any of the following purposes, namely:— 5

- (a) Regulating its proceedings and the conduct of its meetings: 15
- (b) Providing for the custody of its property and the use of its common seal: 10
- (c) Prescribing the duties of its officers and other servants:
- (d) Such other purposes as may be deemed necessary or expedient for duly carrying out the work of the Board or Council. 15

(2) Notice of every resolution proposed to be submitted to any meeting of either Board or of any Council for the making, amendment, or revocation of any such rules as aforesaid shall be given to every member of the Board or Council for the time being in New Zealand not less than *fourteen* clear days before the day fixed for the meeting, by sending the same to him by post addressed to him at his last known place of abode or business in New Zealand, and shall be deemed to have been received when it would in the ordinary course of post be delivered. 20 25

Authority to make contributions for patriotic purposes.

44. (1) Any local authority or other public body, any corporation sole, any company or other incorporated body, any unincorporated body of persons, any trustee or trustees (including any statutory trustee or trustees or board of trustees), or any other person may, unless expressly prohibited by any Act, or by any instrument of trust, make to the New Zealand Patriotic Fund Board or to any Council, and the Board or the Council may accept donations or gifts of real or personal property for patriotic purposes. 30 35

See Reprint of Statutes, Vol. VIII, p. 142

(2) Notwithstanding anything to the contrary in the Savings-banks Act, 1908, the trustees of any savings-bank may from time to time, with the consent first obtained of the Minister of Finance, make contributions to the New Zealand Fund or to any Provincial Fund for patriotic purposes. 40

(3) For the purposes of this section the term "local authority" means a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section two of that Act or of any Order in Council thereunder, or by virtue of any other Act; and includes such other public bodies as are from time to time declared by the Governor-General in Council to be local authorities for the purposes of this section.

See Reprint of Statutes, Vol. V, p. 415

10 **45.** (1) No stamp duty shall be payable on any cheque or receipt issued or given by or on behalf of either Board or any Council or Welfare Committee.

Exemptions from stamp duty, gift duty, and death duties.

(2) No gift duty shall be payable on a gift made to either Board or to any Council for any patriotic purpose, and no such gift shall be included in the dutiable estate of the donor, notwithstanding that he may die within three years after having made the gift.

Ibid., Vol. VII, p. 452

15 **46.** (1) Every Council shall with respect to its provincial district, have—

Ibid., p. 376

20 (a) The sole power to expend or apply, by itself or by any person or body appointed by it as agent in that behalf, the moneys forming part of the Provincial Fund of that provincial district, or other personal property acquired

Ibid., p. 356

25 (b) The sole power to regulate and control the activities of all Welfare Committees, and other committees of that Council, and all authorized agents for the expenditure or

30 application of moneys or other personal property, and to prohibit any particular activity from being carried on by any such Welfare Committee, or other committee, or authorized agent:

35 (c) Generally the power to do all things necessary for the effective carrying out of patriotic purposes and the administration of the Provincial Fund:

Council to have sole authority in its district.

40 Provided, however, that nothing in this section shall operate in any way to limit either Board in its powers, duties, and functions with respect to the New Zealand Fund or the Canteen Fund as the case may be.

Raising of
money for
patriotic
purposes.

47. (1) It shall not be lawful without the prior consent of the Minister for any person or body of persons, other than the New Zealand Patriotic Fund Board, or a Council, or a Welfare Committee, or other committee of that Board or of a Council, 5
or the duly authorized agents of that Board, or of a Council, or of a Welfare Committee or other committee, to raise money or to take up collections in money or goods for any patriotic purpose, or to solicit gifts in money or goods or in any way to hold himself 10
or themselves out as willing to receive such gifts for any such purpose.

(2) Every person who commits a breach of any of the provisions of the *last preceding* subsection commits an offence against this Act. 15

(3) If any person raises money or receives goods in breach of the provisions of subsection *one* of this section, those moneys and the value of those goods may be recovered by the Minister, or by any person authorized in that behalf by the Minister, from the 20
person by whom they were so received as if those moneys and the value of those goods were a debt owing jointly and severally by all the defendants in the proceedings, and any sums so recovered by the Minister shall be paid by him to the New Zealand Patriotic 25
Fund Board or to any Council or Councils in such shares and proportions as the Minister thinks fit.

(4) The Minister may from time to time, by public notice, prohibit the raising or collecting whether by means of public appeal or otherwise howsoever, of any 30
moneys or goods for any specified purpose, not being a patriotic purpose, or the soliciting by any such means of gifts in money or goods for any specified purpose, not being a patriotic purpose, by any specified society, association, or body of persons, whether incorporated 35
or not, if in the opinion of the Minister the public or any section of the public is likely to be misled into believing that it is or will be contributing to an authorized appeal for patriotic purposes.

(5) For the purposes of this section the expression 40
“public notice” means a notice published in the *Gazette* or in any newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

(6) Every notice given under this section shall take effect when it is published, or at such later time as may be specified in that behalf in the notice.

(7) Any notice given under this section may be at
5 any time varied or revoked by a subsequent notice.

(8) While any notice given under this section remains in force it shall not be lawful for any society, association, or other body of persons specified in the notice to raise or collect or solicit gifts of money or
10 goods by any means whatsoever for any purpose so specified, or to continue by any such means to raise or collect or solicit gifts of money or goods for that purpose.

(9) For the purposes of this section the Minister,
15 or any person authorized by him in that behalf, may from time to time require any society, association, or body of persons, whether incorporated or not, to furnish such information and particulars, and to produce such books, accounts, papers, and other documents, relating
20 to its constitution, proceedings, and activities as the Minister or such authorized person thinks fit.

(10) If any society, association, or body of persons fails or refuses to conform to any requirement of the Minister or any authorized person under the last
25 preceding subsection, every officer and every member of the committee or other governing body thereof commits an offence against this Act.

48. Nothing contained in sections *forty-six* and
forty-seven of this Act shall operate in any way to
30 limit the New Zealand Returned Services Association or any provincial Returned Services Association, or the New Zealand Homeservicemen's Association, or the Second New Zealand Expeditionary Force Association, or the Air Force Association, or the Ex-Royal Naval
35 Men's Association, or the Merchant Service Guild in the powers, duties, and functions of those Associations or of that Guild or to render unlawful any appeal for funds or collection of money or goods by any such Association or Guild for any of its purposes or
40 functions.

Saving
existing
functions of
ex-servicemen's
organizations.

Penalties.

49. (1) If any moneys belonging to the New Zealand Fund or to the Canteen Fund or to any Provincial Fund or any property vested in either Board or in any Council have been expended, applied, or used for any unauthorized purpose, those moneys or the value of that property may be recovered to the use of the Fund, or of the Board, or Council to which they lawfully belong by the Minister, or by any person authorized in that behalf by the Minister, from the person or body by whom they were so expended, applied, or used as if those moneys or that value were a debt owing jointly and severally by all the defendants in the proceedings. 5

(2) Every person who expends, or applies, or authorizes, or joins in authorizing, the expenditure or application of any such moneys or other property for any unauthorized purpose commits an offence against this Act. 15

(3) Every person who commits any breach of the provisions of this Act, or of any order or direction of any person authorized under this Act to make or give that order or direction, or who, for the benefit of himself or any other person makes any misleading statement to or otherwise misleads or attempts to mislead any person duly acting for any purpose under this Act, commits an offence against this Act. 20 25

(4) Every person who commits an offence against this Act shall be liable on summary conviction to a fine not exceeding *fifty* pounds, and, where the offence is a continuing one, to a further fine not exceeding *five* pounds for every day during which the offence continues. 30

Regulations.

50. The Governor-General may by Order in Council make regulations making provision for all matters deemed necessary for the due administration of, and for giving full effect to, the provisions of this Act. 35

Revocation of
Emergency
Regulations
and savings.

51. (1) The regulations specified in the *Second* Schedule to this Act are hereby revoked.

(2) All provincial districts, provincial Councils appointments, orders, approvals, rules, notices defining or amending the boundaries of provincial districts or constituting new provincial districts, and other acts of authority that originated under or for the purposes of 40

the Regulations, and are subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as if they had originated under this Act and accordingly shall, where necessary, be
5 deemed to have so originated.

(3) All matters and proceedings that have been commenced under the Regulations, and are pending or in force at the commencement of this Act, may be continued and completed under this Act.

10 (4) The revocation of the said regulations shall not affect the liability of any person for any offence in relation thereto, and proceedings for any such offence may be taken as if it were an offence against the corresponding provisions of this Act.

Schedules.

SCHEDULES**FIRST SCHEDULE**

Section 11

PROVINCIAL DISTRICTS

Northland	Wellington
Auckland	Marlborough
Waikato	Nelson
Bay of Plenty	Westland
East Coast	Canterbury
Hawke's Bay	Otago
Taranaki	Southland.

SECOND SCHEDULE

Section 51

REGULATIONS REVOKED

Serial Number.	Title of Regulations.
1939/194 ..	Patriotic Purposes Emergency Regulations 1939.
1939/237 ..	Patriotic Purposes Emergency Regulations 1939, Amendment No. 1.
1939/254 ..	Patriotic Purposes Emergency Regulations 1939, Amendment No. 2.
1940/74 ..	Patriotic Purposes Emergency Regulations 1939, Amendment No. 3.
1940/295 ..	Patriotic Purposes Emergency Regulations 1939, Amendment No. 4.
1942/318 ..	Patriotic Purposes Emergency Regulations 1939, Amendment No. 6.
1944/104 ..	Patriotic Purposes Emergency Regulations 1939, Amendment No. 7.