

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

*Legislative Council,
10th July, 1890.*

Hon. Sir F. Whitaker.

PUBLIC BODIES CORRUPT PRACTICES.

ANALYSIS.

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A BILL INTITULED

AN ACT for the More Effectual Prevention and Punishment of Title.
Bribery and Corruption of and by Members, Officers, or
5 Servants of Corporations, Councils, Boards, Commissions, or
other Public Bodies.

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

1. The Short Title of this Act is "The Public Bodies Corrupt Short Title.
Practices Act, 1890."

10 2. In this Act, unless the context otherwise requires,— Interpretation.
"Advantage" includes any office or dignity, and any forbearance to demand any money or money's worth or valuable thing, and includes any aid, vote, consent, or influence, or pretended aid, vote, consent, or influence, and also
15 includes any promise or procurement of or agreement or endeavour to procure, or the holding-out of any expectation of any gift, loan, fee, reward, or advantage, as before defined:

20 "Public body" means any Council of a county or borough, also any Board, Commissioners, or other body which has power to act under and for the purposes of any Act relating to education, or to local government, or to roads, rivers, or harbours, or the public health, or to charitable aid, or the sale or other disposition of intoxicating liquors,
25 or otherwise to administer money raised by rates in pursuance of any public general or local Act, or concerned in the administration of any property for all or any of the purposes aforesaid:

30 "Public office" means any office or employment of a person as a member, officer, or servant of such public body.

3. (1.) Every person who by himself, or by or in conjunction with Corruption in office
a misdemeanour.
any other person, corruptly solicits or receives, or agrees to receive, for himself or for any other person, any gift, loan, fee, reward, or

advantage whatever as an inducement to, or reward for, or otherwise on account of any member, officer, or servant of a public body as in this Act defined doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which 5 the said public body is concerned, is guilty of a misdemeanour.

(2.) Every person who by himself, or by or in conjunction with any other person, corruptly gives, promises, or offers any gift, loan, fee, reward, or advantage whatsoever to any person, whether for the benefit of that person or of another person, as an inducement 10 to or reward for or otherwise on account of any member, officer, or servant of any public body as in this Act defined doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which such public body as aforesaid is concerned, is guilty of a misdemeanour. 15

Penalty for offences.

4. Any person on conviction for offending as aforesaid shall, at the discretion of the Court before which he is convicted,—

(a.) Be liable to be imprisoned for any period not exceeding *two* years, with or without hard labour, or to pay a fine not exceeding *one hundred* pounds, or to both such imprisonment and such fine; and 20

(b.) In addition be liable to be ordered to pay to such body, and in such manner as the Court directs, the amount or value of any gift, loan, fee, or reward received by him, or any part thereof; and 25

(c.) Be liable to be adjudged incapable of being elected or appointed to any public office for seven years from the date of his conviction, and to forfeit any such office held by him at the time of his conviction; and

(d.) In the event of a second conviction for a like offence he shall, in addition to the foregoing penalties, be liable to be adjudged to be for ever incapable of holding any public office; and 30

(e.) If such person is an officer or servant in the employ of any public body, upon such conviction he shall, at the discretion of the Court, be liable to forfeit his right and claim to any compensation or pension to which he would otherwise have been entitled. 35

Savings.

5. (1.) Where an offence under this Act is also punishable under any other enactment, or at common law, such offence may be prosecuted and punished either under this Act, or under the other enactment, or at common law, but so that no person shall be punished twice for the same offence. 40

(2.) A person shall not be exempt from punishment under this Act by reason of the invalidity of the appointment or election of a person to a public office. 45

Restriction on prosecution.

6. A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Attorney-General, or the Solicitor-General, or a Crown Prosecutor or Crown Solicitor.