

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,
18th November, 1937.*

Hon. Mr. Parry.

PHYSICAL WELFARE AND RECREATION.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for the Development of Facilities for, and the Encouragement of, Physical Training, Exercise, Sport, and Recreation, and to facilitate the Establishment of Centres for Social Activities related thereto.

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 Physical Welfare and Recreation Act, 1937.

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

“ Council ” means the National Council of Physical Welfare and Recreation established by this Act:

“ 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 the provisions of any other Act: 5

“ Minister ” means the Minister of Internal Affairs:

“ Voluntary organization ” means any body of persons, whether incorporated or not, whose object or one of whose principal objects is to promote, encourage, or control physical education, training, sport, or recreation, or any branch thereof, or the physical welfare generally of the people of New Zealand or any section thereof and not formed for private profit. 10

National Council of Physical Welfare and Recreation.

3. (1) There is hereby established a Council, to be called the National Council of Physical Welfare and Recreation. 20

(2) The Council shall consist of—

(a) The Minister, who shall be the Chairman of the Council:

(b) The Under-Secretary for Internal Affairs, who shall be the Deputy Chairman of the Council: 25

(c) The Director-General of Health:

(d) The Director of Education:

(e) One person to be appointed by the Minister of Defence to represent the Naval, Military, and Air Forces of New Zealand: 30

(f) Not more than ten other persons appointed by the Minister to hold office during his pleasure.

Payment of allowances and travelling-expenses.

4. The members of the Council, other than the Minister and officers in the service of the Government, shall be paid all travelling-expenses reasonably incurred by them in respect of their attendance at meetings of the Council or their travelling with the authority of the Minister on the business of the Council, and may also be paid such further allowances (if any) as may be lawfully appointed in that behalf. 35

Meetings of Council.

5. (1) Meetings of the Council shall be held at such times and places as the Minister appoints for that purpose. 40

(2) The Chairman shall preside at all meetings of the Council at which he is present; if at any meeting of the Council the Chairman is not present the Deputy Chairman, if present, or, if he is not present, the
5 Director-General of Health, if present, or, if he is not present, the Director of Education, shall be the Chairman; in the absence of all four from any meeting the members present shall select one of their number to be the Chairman for the purposes of that meeting.

10 (3) At any meeting of the Council five members shall form a quorum.

(4) Every question before the Council shall be determined by a majority of the votes of the members present at the meeting of the Council.

15 (5) The Chairman at any meeting of the Council shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(6) In the absence from any meeting of the Council of any member being an officer of any Govern-
20 ment Department, he may authorize any other officer of his Department to act in his stead, and, subject to the provisions of subsection *two* hereof, such last-mentioned officer, while so acting, shall for the purposes of this Act have all the powers of the member for whom he is
25 acting.

6. Save as expressly provided in this Act or in regulations thereunder, the Council may regulate in such manner as it thinks fit the procedure of itself and any committee appointed by it under the *next succeeding*
30 section.

Procedure
of Council.

7. (1) The Council may from time to time appoint such committees as it thinks fit to assist it in the discharge of its functions under this Act, and may appoint as members of any such committee, or authorize
35 any such committee to co-opt as members thereof, persons who are not members of the Council.

Committees of
the Council.

(2) The Council may at any time and from time to time discharge, alter, continue, or reconstitute any committee or discharge any member of a committee,
40 and, if it thinks fit, appoint another member in his stead.

(3) The Council may relegate to any such committee any matters for consideration or inquiry, or management, or regulation; and may with the approval of the Minister delegate to any such committee any of the powers and
45 duties by this Act conferred upon the Council.

General
function of
Council.

8. The general function of the Council shall be to advise the Government on matters relating to the maintenance and improvement of the physical well-being of the people by means of physical training, exercise, sport, and recreation, and social activities related thereto, and from time to time to make such investigations and inquiries as it deems necessary, or as the Minister directs it to make for that purpose. 5

Particular
functions of
Council.

9. The Council shall from time to time, and within such time in any case as the Minister directs,— 10

- (a) Review the existing facilities for physical training, exercise, sport, and recreation generally throughout New Zealand or in any district, and social activities related thereto: 15
- (b) Make recommendations as to— 15
 - (i) The need for new or additional facilities; and
 - (ii) The manner in which any such facilities should or can be provided:
- (c) Examine and consider any proposals which may be put before it for the provision of any such facilities: 20
- (d) Examine and consider and make recommendations with respect to all applications for grants under this Act referred to it by the Minister: 25
- (e) Gather and collate and make available to local authorities and voluntary organizations, in such manner as the Minister from time to time approves, information with respect to physical training, exercise, sport, and recreation generally and facilities therefor: 30
- (f) Examine and consider proposals for, and make recommendations with respect to, the physical well-being of the people generally: 35
- (g) In such manner and by such means as the Minister from time to time approves, direct public interest to the national value of physical welfare and recreation, and disseminate knowledge and information and advice with respect thereto. 40

10. (1) The Minister may from time to time, by writing under his hand, declare any area to be a district for the purposes of this Act, and may in like manner from time to time alter the boundaries of any such district or at any time abolish the same.

Districts and District Committees.

(2) For every such district there shall be a District Committee, consisting of such number of persons as the Minister appoints to hold office during his pleasure.

(3) The functions of every such Committee shall be within its district—

(a) To represent the Council:

(b) To make such investigations and inquiries as the Council from time to time directs:

(c) To make and to receive and transmit to the Council representations for the better carrying-out of the objects of this Act:

(d) Generally, subject to the control and direction of the Council, to further the objects of this Act, and to exercise such of the functions of the Council as the Council from time to time may delegate to it.

(4) It shall be the duty of every District Committee forthwith to carry out any direction duly given to it by the Council.

(5) Every District Committee shall have the same powers with respect to committees as are conferred on the Council by section *seven* of this Act.

11. (1) The Minister may from time to time, out of moneys appropriated by Parliament for the purpose and in accordance with such regulations (if any) as may be made in that behalf under this Act, make grants—

Grants to local authorities and voluntary organizations.

Cf. 1 Edw. VIII and 1 Geo. VI (Imp.), c. 46, s. 3

(a) Towards the expenses of any local authority or voluntary organization in providing (whether as part of wider activities or not) or in aiding the provision of, facilities for physical training, exercise, sport, and recreation, including, but without prejudice to the generality of the foregoing words, the provision and equipment of gymnasiums, playing-fields, swimming-baths, bathing-places, holiday camps, and camping-sites, and other buildings, premises, and places for physical training, exercise, sport, and recreation, or as centres for the use of clubs, societies, or organizations including in their objects the physical well-being and recreation of the people and social activities related thereto:

(b) Towards the expenses of any local authority or voluntary organization in respect of the training and supply of instructors and leaders:

(c) To the funds of any voluntary organization either in aid of its work as a whole, or in aid of any specified branch of its work: 5

(2) In making any grant under the *last preceding* subsection the Minister may attach thereto such conditions as he thinks fit, including, in the case of a grant to a voluntary organization, conditions for securing the continuity of the undertaking assisted. 10

General powers
of local
authorities.

12. (1) Every local authority, whether or not authorized in that behalf by any other Act, shall have power to expend moneys for any of the purposes of this Act; and the provision by it, either alone or in conjunction with any other local authority, of facilities, equipment, and centres for physical training, exercise, sport, recreation of the inhabitants of its district, and social activities related thereto, shall be deemed to be a public work within the meaning of the Public Works Act, 1928. 15 20

(2) Any local authority may itself manage any such facilities, equipment, and centres, either with or without a charge for the use thereof or admission thereto, or may let them, or any portion thereof, to any voluntary organization at a nominal or other rent, and on such other terms and conditions as it thinks fit. 25

(3) A local authority exercising the powers conferred by this section may provide, and where necessary arrange, for the training of such skilled persons as it deems necessary for securing that effective use is made of facilities, equipment, and centres so provided. 30

(4) The authority to expend moneys conferred by this section shall extend to enable any local authority to make grants to any voluntary organization providing or maintaining within its district any such facilities, equipment, or centres. 35

Borrowing-
powers of local
authorities for
purposes of
this Act.

See Reprint
of Statutes,
Vol. V,
pp. 360, 415

13. Any local authority within the meaning of the Local Bodies' Loans Act, 1926, may, by special order and without taking the steps prescribed by sections nine to thirteen of that Act, but subject to the provisions of the Local Government Loans Board Act, 1926, raise a special loan for any public work referred to in subsection *one* of the *last preceding* section. Any other local authority within the meaning of this Act may, subject to the provisions of the Local Government Loans Board Act, 1926, borrow moneys for the purposes of any such public work as aforesaid. 40 45

14. For the purpose of better enabling the Council to fulfil its functions the Governor-General may from time to time appoint any person or persons, whether members of the Council or not, as a Commission under the Commissions of Inquiry Act, 1908, to inquire into any matter in respect of which the Council has any power, jurisdiction, authority, or duty.
15. There may from time to time be appointed as officers of the Public Service a Physical Welfare Adviser and such other officers as may from time to time be considered necessary for the purposes of this Act.
16. All expenses incurred in respect of the administration of this Act shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose.
17. (1) Within three months after the close of each financial year the Council shall prepare a report as to the operations of the Council for the year.
- (2) A copy of the report shall, within fourteen days after the receipt thereof by the Minister, be laid before Parliament if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session, together with a statement by the Minister of all grants made by him during the year pursuant to section *eleven* of this Act.
18. (1) The Governor-General may from time to time, by Order in Council, make such regulations as may in his opinion be necessary for giving full effect to the intent and purposes of this Act.
- (2) All such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session.

Commissions of Inquiry in assistance of Council.

Appointment of officers.

Expenses of administration of Act.

Annual report of Council and statement of grants.

Regulations.