

[AS REPORTED FROM THE SOCIAL SERVICES COMMITTEE]

House of Representatives, 8 June 1973

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Walding

RECREATION AND SPORT

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A BILL INTITULED

An Act to establish a Ministry of Recreation and Sport and the New Zealand Council for Recreation and Sport and to define their functions and powers

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

1. Short Title—This Act may be cited as the Recreation and Sport Act 1973. 5

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

“Council” means the New Zealand Council for Recreation and Sport established under section 6 of this Act: 10

“Minister” means the Minister of Recreation and Sport:
Struck Out

“Recreation” means any activity or pastime which provides relaxation and enjoyment and which promotes physical or mental health. 15

New

“Recreation” means any leisure activity or pastime including those which provide relaxation and enjoyment and which promote the total well-being of individuals. 20

Ministry of Recreation and Sport

3. Ministry of Recreation and Sport—There is hereby established a Ministry of Recreation and Sport which, under the control of the Minister, shall be charged with the administration of this Act and with such other functions as may be lawfully conferred on it. 25

4. Secretary of Recreation and Sport—The person for the time being holding the office of Secretary for Internal Affairs shall be the Secretary of Recreation and Sport.

5. Other staff—(1) There shall from time to time be appointed under the State Services Act 1962 such employees as may be necessary for the administration of this Act and of the functions of the Ministry of Recreation and Sport. 30

(2) The office held by any person appointed under subsection (1) of this section may be held either separately or in conjunction with any other office in the Public Service. 35

New Zealand Council for Recreation and Sport

6. New Zealand Council for Recreation and Sport—

(1) There is hereby established a Council to be called the New Zealand Council for Recreation and Sport.

5 (2) The Council 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 other acts and things as bodies corporate may do and
10 suffer.

7. Membership of Council—The Council shall consist of—

- (a) Ten persons to be appointed by the Minister:
- (b) The Secretary of Recreation and Sport.

8. Term of office of members—(1) Except as otherwise
15 provided by this Act, every appointed member of the Council shall hold office for a term of 3 years, and shall be eligible for reappointment from time to time.

(2) Notwithstanding anything to the contrary in this Act,
every appointed member of the Council shall, unless he sooner
20 vacates his office under section 10 of this Act, continue in office until his successor comes into office.

9. Transitional provisions—Three of the first appointed members of the Council (other than the Chairman) shall be appointed for a term expiring with the 31st day of March
25 ~~(1974)~~ 1975, another 3 of such members for a term expiring with the 31st day of March ~~(1975)~~ 1976, and the remaining 3 of such members for a term expiring with the 31st day of March ~~(1976)~~ 1977.

10. Extraordinary vacancies—(1) Any appointed member
30 of the Council may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by written notice to the Minister.

(2) When the office of any appointed member of the Council
35 becomes vacant by death, resignation, or removal from office, the vacancy so created shall as soon as practicable be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred.

11. Chairman—(1) One appointed member of the Council shall be appointed by the Minister as Chairman of the Council.

(2) The person so appointed shall hold that office for a period of 3 years unless he sooner vacates his office as a member of the Council, in which case he shall also vacate the office of Chairman. 5

(3) Notwithstanding the provisions of subsection (2) of this section, the Chairman shall, unless he dies or resigns that office or vacates his office as a member of the Council, continue to hold the office of Chairman until his successor is appointed, and shall be eligible for reappointment. 10

(4) When the office of Chairman becomes vacant the vacancy shall be filled as soon as practicable after its occurrence. 15

12. Deputy Chairman—(1) The Council shall, at its first meeting after the commencement of this Act and from time to time thereafter, appoint one of its members to be the Deputy Chairman of the Council.

(2) The person so appointed shall hold that office for a period of 2 years unless he sooner vacates his office as a member of the Council, in which case he shall also vacate the office of Deputy Chairman. 20

(3) Notwithstanding the provisions of subsection (2) of this section, the Deputy Chairman shall, unless he dies or resigns that office or vacates his office as a member of the Council, continue to hold the office of Deputy Chairman until his successor is appointed, and shall be eligible for reappointment. 25

(4) When the office of Deputy Chairman becomes vacant the vacancy shall be filled as soon as practicable after its occurrence. 30

13. Meetings of Council—(1) The first meeting of the Council shall be held at a time and place to be appointed by the Minister.

(2) Subsequent meetings of the Council shall be held at such times and places as the Council or the Chairman of the Council may from time to time appoint. 35

(3) At any meeting of the Council 6 members shall form a quorum.

(4) The Chairman shall preside at every meeting of the Council at which he is present. If at any meeting the Chairman is not present, the Deputy Chairman shall preside at the meeting; and if the Deputy Chairman also is not present 40

or there is no Deputy Chairman, the members present shall appoint one of their number to preside at that meeting. The Deputy Chairman or person so appointed shall have and may exercise and perform in any such case all the powers and functions of the Chairman for the purposes of the meeting.

(5) At any meeting of the Council the person presiding shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(6) Every question before any meeting of the Council shall be determined by a majority of the votes of the members present and voting thereon:

Provided that a resolution signed or assented to by letter or telegram by a majority of the members of the Council for the time being in New Zealand shall have the same effect as a resolution duly passed at a meeting of the Council.

(7) In the absence from any meeting of the Secretary of Recreation and Sport, he may authorise any other officer of the Ministry of Recreation and Sport to attend the meeting in his stead. While any such officer is attending a meeting under this subsection he shall be deemed for all purposes to be a member of the Council. The fact that any person attends and acts as such a member at any meeting shall be sufficient evidence of his authority to do so in the absence of proof to the contrary.

(8) The Chairman may at any time call a special meeting of the Council; and it shall be the duty of the Chairman to call a special meeting at any time when requested to do so by a requisition in writing signed by 2 members of the Council:

Provided that no special meeting shall be held unless at least 7 clear days' notice in writing thereof and of the business to be transacted at the meeting has been given to members of the Council.

(9) Subject to the provisions of this Act and subject to the rules of the Council, the Council may regulate its own procedure.

14. Executive committee, special committees, and delegation of powers—(1) The Council may from time to time, by resolution, appoint, discharge, alter, continue, or reconstitute—

(a) An executive committee of not less than 3 members:

(b) Special committees for particular purposes.

(2) Every member of the executive committee shall be a member of the Council, but any person may be appointed to a special committee notwithstanding that he is not a member of the Council.

(3) The Council may delegate to the executive committee or to any special committee such of its powers and functions as it thinks fit.

(4) Subject to any general or special directions given or conditions attached by the Council, any powers and functions so delegated may be exercised and performed by the committee with the same effect as if those powers and functions had been directly conferred by this Act and not by delegation. 5

(5) Every committee purporting to act under any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary. 10

(6) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise or performance of any power or function by the Council. 15

(7) Until any such delegation is revoked, it shall continue in force according to its tenor, notwithstanding any change in the membership of the Council or of any committee.

(8) Subject to the rules of the Council and to any directions given by the Council, each committee may regulate its own proceedings in such manner as it thinks fit. 20

15. Power to make rules—(1) The Council may from time to time, by resolution, make, alter, and rescind rules not inconsistent with this Act for all or any of the following purposes: 25

- (a) Prescribing the procedure to be followed at any meeting of the Council, or at any meeting of the executive committee or of any other committee of the Council;
- (b) Providing for the custody of its property and the custody and use of its common seal: 30
- (c) Providing for such other matters as may be reasonably necessary or expedient for duly carrying out its functions and powers.

(2) Notice of every resolution proposed to be submitted to any meeting for the making, amendment, or revocation of any such rules shall be given to every member of the Council for the time being in New Zealand not less than 14 clear days before the day fixed for the meeting. 35

16. Proceedings not invalid by irregularities, etc.—No act or proceeding of the Council or of any person acting as a member of the Council shall be invalidated because of a vacancy in the membership of the Council at the time of the 40

act or proceeding, or because of the subsequent discovery that there was some defect in the appointment of any person so acting or that he was incapable of acting as or being such a member.

5 **17. Individual members of Council and committees not personally liable**—(1) No member of the Council and no member of the executive committee or any other committee appointed under section 14 of this Act shall be personally liable for any act done or default made by the Council or the
10 executive committee or any other committee in good faith in the course of operations of the Council or executive committee or any other committee.

(2) Without limiting the provisions of subsection (1) of this section, in any proceedings against any such member in
15 respect of any such act or default alleged to be not in good faith as aforesaid, the member shall not be personally liable if he shows—

(a) Where the act or default was pursuant to a resolution
20 passed at a meeting of the Council or executive committee or other committee of which he is a member, that he was not present when the resolution was passed or that he voted against the resolution; or

(b) Where the act or default was not pursuant to such a
25 resolution, that it occurred without his knowledge, or, if with his knowledge, then against his protest made at or before the time when it occurred.

(3) For the purposes of this section, any such member may at any meeting demand a poll on any proposal before the meeting and require that his vote be recorded thereon, and
30 the person presiding at the meeting shall record the vote accordingly.

Functions and Powers of Council

New

35 **17A. Limitation of powers**—Except for the purpose of specifying conditions under which grants are made or subsidies are paid in accordance with section 19 of this Act, nothing in this Act shall be so construed as to in any way authorise the Council to interfere with, or give any directions relating to, the aims, objects, or operations of any recreational
40 or sporting organisation.

18. Functions—(1) The general functions of the Council shall be—

(a) To foster and promote the *(physical and mental health)* total well-being of, and the fullest use of
45 leisure by, the residents of New Zealand:

(b) To advise the Minister on any matters relating to recreation and sport:

(c) To investigate developments in recreation and sport, and disseminate knowledge and information about such developments. 5

(2) In the exercise and performance of its powers and functions, the Council shall have regard to the general policy of the Government in respect of recreation and sport, and shall comply with any direction given in writing by the Minister relating to that policy. 10

New

(3) A copy of every direction given under subsection (2) of this section shall be laid by the Minister before Parliament within 28 days after the date on which it was given if Parliament is then in session, and, if not, shall be laid before Parliament within 28 days after the commencement of the next ensuing session. 15

19. Powers—(1) The Council shall have all such powers as may be reasonably necessary to enable it to carry out its functions. 20

(2) Without limiting the generality of the powers of the Council under subsection (1) of this section, it may—

(a) Formulate and implement policies in respect of the furtherance of and assistance to recreation and sport generally: 25

(b) Recommend to the Minister that grants be made to any person or organisation to undertake studies, assignments, or commissions, make investigations, or gain further appropriate experience, whether within New Zealand or overseas, in respect of matters approved by the Council: 30

(c) Recommend to the Minister that grants be made or subsidies be paid to any person or organisation engaged in the execution or promotion of any recreational or sporting activity, on such conditions as the Council recommends: 35

(d) Collect, examine, disseminate, or publish any information relating to recreation and sport, or to any particular form of recreation or sport: 40

Struck Out

(e) Examine and consider any existing or proposed policies or practices with respect to recreation and sport, and make any recommendations on them to the appropriate authority:

New

- 5 (e) Examine and consider any existing or proposed policies or practices, or other matters, relating to recreation and sport and the utilisation of public land for recreational purposes, and make recommendations thereon to any appropriate person or authority:
- 10 (f) Carry out itself, or encourage and support other persons or bodies in carrying out, research and studies into matters concerning recreation and sport; and to disseminate knowledge and advice on such matters:
- 15 (g) Advise, co-operate with, or assist Government departments, local authorities, voluntary organisations, or other bodies or persons on any matters concerned with recreation and sport:
- (h) Enter into agreements with any local authority, corporation, society, firm, or person for the management and maintenance of any land, buildings, or thing for the purposes of this Act:
- 20 (i) Acquire by purchase, lease, bailment, or otherwise, any land, buildings, or personal property for the purposes of this Act:
- (j) Dispose of by sale, lease, bailment, or otherwise any land, buildings, or personal property of the Council:
- 25 (k) Charge such fees for admission to land or buildings vested in it or under its control, or in respect of any activity promoted, arranged, or controlled by it, as the Council thinks fit:
- 30 (l) Subject to the provisions of this or any other Act, generally do whatever it considers necessary in order to stimulate recreation and sporting activity so that it may best accomplish the purposes for which it exists.

20. **Secretary and other staff**—(1) There shall from time to time be appointed, under the State Services Act 1962, a Secretary to the Council, a Treasurer, and such other staff as may be necessary for the administration of the affairs of the Council.

40 (2) The office held by any person appointed under subsection (1) of this section may be held either separately or in conjunction with any other office in the Public Service.

21. **Engagement of persons on contract**—(1) The Council may from time to time enter into contracts with persons, on such terms and conditions as it thinks fit, to provide such services or perform such work as the Council may require.

(2) No person, by reason only of his entering into a contract with the Council under subsection (1) of this section, shall be regarded as being employed in the State service for the purposes of the State Services Act 1962 or in the Government service for the purposes of the Superannuation Act 1956. 5

Financial Provisions

22. Grants to Council—Any local authority within the meaning of the Local Authorities Loans Act 1956, or other public body, any public corporation, any company or other incorporated body, any unincorporated body of persons, or any other person may, unless expressly prohibited by any Act or instrument of trust affecting the donor, make to the Council donations or gifts, and the Council may accept any such donations or gifts. 10

23. Funds of the Council—The funds of the Council shall comprise— 15

- (a) All money received by the Council out of money appropriated by Parliament for the purposes of the Council: 20
- (b) All money that may be contributed to the Council or that may be otherwise lawfully payable to the Council: 20
- (c) All money received by the Council by way of fees, rent, or otherwise in respect of any land or property vested in or under the control of the Council or in respect of the performance and exercise of any of the functions and powers of the Council: 25
- (d) All money received by the Council for the sale or other disposal of any property of the Council: 25
- (e) All accumulations of money belonging to the Council. 30

24. Unauthorised expenditure—The Council may in any financial year expend out of its funds for purposes not authorised by this or any other Act any sum or sums not amounting in the whole to more than \$500.

25. Investment of funds—Subject to the terms of any trust or endowment, any money belonging to the Council that is not immediately required for expenditure by the Council may be invested in accordance with the Trustee Act 1956 as to the investment of trust funds. 35

26. Money to be banked—(1) All money belonging to the Council shall, as soon as practicable after it has come into the hands of the Treasurer or other proper officer of the Council or other person authorised to receive money on behalf of the
5 Council, be paid into such bank as the Council from time to time appoints to an account to be called the New Zealand Council for Recreation and Sport Trust Account.

(2) No such money shall be withdrawn from the bank except by cheque or other instrument (not being a promissory
10 note or bill) signed by the Treasurer, and countersigned by the Chairman or a member of the Council:

Provided that it shall be lawful, with the prior consent in writing of the Audit Office, for any money to be withdrawn from the bank by cheque or other such instrument signed by
15 the Treasurer and countersigned by any officer of the Council whom the Council, by resolution, from time to time appoints for that purpose.

(3) Notwithstanding the provisions of subsection (2) of this section, it shall be lawful, with the prior consent in writing
20 of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid by the Council by cheque bearing facsimilies of the signatures of the persons so authorised to sign and countersign cheques, and every cheque bearing such facsimilies shall be deemed to have been duly
25 signed and countersigned in accordance with that subsection.

(4) Every payment of money by the Council shall be authorised by a prior resolution of the Council or shall be submitted to the Council for confirmation at its first ordinary meeting after the date of payment.

27. Borrowing powers—With the prior consent in writing
30 of the Minister of Finance, the Council may borrow money from the Crown or from any corporation or person; and (for the purpose of securing any money so borrowed) may mortgage, charge, or pledge any right, title, estate, or interest
35 in any of its property.

28. Accounts—(1) The Council shall keep full and correct accounts of all money received and expended by it.

(2) The accounts shall be audited by the Audit Office,
40 which for that purpose shall have and may exercise all the powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of accounts of local authorities.

(3) As soon as practicable after the end of each financial year ending with the 31st day of March, the Council shall cause to be prepared and submitted to the Audit Office full and true statements and accounts of all its income and expenditure in that year and of its assets and liabilities at the end of that year. 5

29. Imprest account—(1) Notwithstanding the provisions of section 26 of this Act, the Council may, by resolution, establish an imprest account which shall be kept at such bank as the Council from time to time appoints. 10

(2) The imprest account may be held jointly in the names of and be operated on by the Treasurer and 1 other person appointed in that behalf by the Council, or may, with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and be operated on by the Treasurer or any other approved officer of the Council. 15
Where the imprest account is held jointly in the names of the Treasurer and 1 other person, that other person shall be either a responsible officer of the Council or a member of the Council. 20

(3) The Council shall from time to time, by resolution, fix the maximum amount that may be held at any time in the imprest account not exceeding \$150 in any case where the imprest account may be operated on by 1 person acting alone, and not exceeding such amount as the Audit Office may approve in any other case. 25

(4) Money in the imprest account shall be available only for the payment of salaries and wages and emergency expenditures. A statement of every payment made from the account shall be submitted to the Council for confirmation at its first ordinary meeting after the date of payment. 30

(5) The payment of money out of the imprest account for any purpose not authorised by subsection (4) of this section shall be misappropriation of the funds of the Council.

30. Insurance of members—The Council may from time to time enter into contracts of insurance insuring members of the Council and members of any committee appointed by the Council against loss from personal accident arising out of and in the course of the exercise and performance of their powers and duties as members, and pay the premiums payable in respect of any such contracts. 35
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31. Annual report—(1) As soon as practicable after the 30th day of June in each year, the Council shall furnish to the Minister a report of its proceedings and operations for the preceding financial year, and shall attach to the report a copy of its accounts for that year certified by the Audit Office.

(2) A copy of the annual report of the Council (including the accounts so certified attached thereto) shall be laid before Parliament as soon as practicable after it has been received by the Minister.

32. Fees and travelling allowances—(1) The Council, the executive committee, and every other committee of the Council, are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of the Council, the executive committee, and any other committee, out of the funds of the Council, remuneration by way of fees or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

33. Exemption from stamp duty, gift duty, and taxes—(1) Section 13 of the Stamp and Cheque Duties Act 1971 is hereby amended by inserting in subsection (1), after paragraph (ca) (as inserted by section 34 (4) of the New Zealand Council for Educational Research Act 1972), the following paragraph:

“(cb) The New Zealand Council for Recreation and Sport for the purposes of the Recreation and Sport Act 1973; or”.

(2) Section 14 of the Stamp and Cheque Duties Act 1971 is hereby amended by inserting in subsection (1), after paragraph (h), the following paragraph:

“(ha) The New Zealand Council for Recreation and Sport for the purposes of the Recreation and Sport Act 1973; or”.

(3) Section 73 of the Estate and Gift Duties Act 1968 is hereby amended by adding to subsection (2) (as amended by section 34 (3) of the New Zealand Council for Educational Research Act 1972) the following paragraph:

“(i) Any gift to the New Zealand Council for Recreation and Sport for the purposes of the Recreation and Sport Act 1973.”

(4) All land owned by or held in trust for the Council shall be exempt from land tax.

(5) The income of the Council shall be exempt from income tax.

34. Contracts of Council and members—(1) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The New Zealand Council for Recreation and Sport	1973 No. 00—The Recrea- tion and Sport Act 1973.”	5
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(2) Part II of the First Schedule to the Local Authorities (Members' Interests) Act 1968 is hereby amended by inserting in its appropriate alphabetical order the following item: 10

“The New Zealand Council for Recreation and Sport	1973 No. 00—The Recrea- tion and Sport Act 1973.”	10
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35. Repeals—(1) Section 2 of the Physical Welfare and Recreation Act 1937 is hereby amended by repealing the 15 definitions of the terms “Council” and “Minister”.

(2) The following enactments are hereby repealed:

- (a) Sections 3 to 11 and 14 to 18 of the Physical Welfare and Recreation Act 1937:
- (b) Section 44 of the Statutes Amendment Act 1938: 20
- (c) So much of the Second Schedule to the Fees and Travelling Allowances Act 1951 as relates to the Physical Welfare and Recreation Act 1937.