

Serial Number 1939/194.



THE PATRIOTIC PURPOSES EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of October, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Patriotic Purposes Emergency Regulations 1939.

(2) These regulations are divided, as follows :—

Regulation 1.—Preliminary.

Part I.—National Organization.

Regulation 2.—Patriotic Funds.

Regulation 3.—Administration.

Regulation 4.—National Patriotic Council.

Regulation 5.—Proceedings of the Council.

Regulation 6.—Committees of the Council.

Regulation 7.—General Functions of the Council.

Regulation 8.—Particular Functions of the Council.

Part II.—Provincial Patriotic Districts and Organizations.

Regulation 9.—Provincial Patriotic Districts.

Regulation 10.—Provincial Patriotic Organizations.

Regulation 11.—Provincial Patriotic Councils.

Regulation 12.—Finance of Provincial Patriotic Organizations.

Part III.—National Patriotic Fund and Board.

Regulation 13.—National Patriotic Fund established.

Regulation 14.—National Patriotic Fund Board.

Regulation 15.—Contracts of the Board.

Regulation 16.—Meetings of the Board.

Regulation 17.—General Function of the Board.

Regulation 18.—Powers of the Board.

Regulation 19.—Committees of the Board.

Regulation 20.—Vesting, Control, and Investment of Property.

Regulation 21.—Annual Report and Statement of Accounts.

Part IV.—Provincial Patriotic Funds.

Regulation 22.—Provincial Patriotic Funds established.

Regulation 23.—Particulars to be supplied to Minister.

Regulation 24.—Expenditure and Investment of Provincial Funds.

Regulation 25.—Accounts and Audit of Provincial Funds.

Regulation 26.—Investigation of Administration and Accounts of Provincial Funds.

Regulation 27.—Penalty for misappropriation of Provincial Funds, &c.

Part V.—Patriotic Purposes and Authorized Collectors.

Regulation 28.—Approval of Patriotic Purposes.

Regulation 29.—Authorized Collectors.

Regulation 30.—Appointment and Control of authorized Collectors for National Fund.

Regulation 31.—Appointment and Control of Authorized Collectors for Provincial Funds.

Part VI.—General.

Regulation 32.—Authority to make Contributions to National and Provincial Funds.

Regulation 33.—Special Provision *re* Moneys and Goods heretofore collected.

Regulation 34.—Members of Board, Provincial Councils, and Controlling Committees not personally liable.

Regulation 35.—General Penalty.

(3) In these regulations, unless inconsistent with the context,—

“ Approved,” in relation to any patriotic fund or patriotic purpose, means approved by the Minister :

“ Authorized collector ” means a person or body of persons, whether incorporated or not, duly authorized under these regulations to appeal for, collect, receive, or in any other manner raise money or other personal property for or on behalf of an approved patriotic purpose of an approved patriotic fund :

“ Board ” means the National Patriotic Fund Board established by these regulations :

“ Controlling committee ” means the committee controlling any subdivision of a Provincial Patriotic district :

“ Minister ” means the Minister of Internal Affairs :

“ Moneys ” includes the securities upon which moneys are invested and all interest accruing thereon :

“ National Council ” means the National Patriotic Council established by these regulations :

“ National Fund ” means the National Patriotic Fund established by these regulations :

“ Patriotic Fund ” means any fund raised or goods or articles collected wholly or in part by private subscription and public appeal for purposes that comprise or include any patriotic purpose :

“ Patriotic purpose ” or “ purpose ” means any purpose in connection with the war, and in particular any of the following purposes—

(a) The relief of distress occasioned by the war, whether in New Zealand or elsewhere in the British dominions, or in any territory under His Majesty’s protection or mandate or in the territory of any State allied to His Majesty, whether such territory is in enemy occupation or not :

(b) The supply or provision of comforts, conveniences, amenities, or special equipment to members of His Majesty’s Naval, Military, or Air Forces :

(c) The relief, assistance, or support of members of the said Forces who may be sick, wounded, disabled, or out of employment, or for the relief, assistance, or support of their dependants or of the dependants of members who may lose their lives directly or indirectly in or in connection with the war :

(d) Any other purpose which by notice in the *Gazette* the Minister declares to be a patriotic purpose :

“ Provincial Council ” means a Provincial Patriotic Council established by these regulations :

“ Provincial District ” means a Provincial Patriotic District established by and for the purposes of these regulations :

“ Provincial Fund ” means a Provincial Patriotic Fund established by these regulations :

“ Provincial Organization ” means a Provincial Patriotic Organization established by these regulations :

“ The war ” means any war in which His Majesty is engaged at any time during the continuance of these regulations.

(4) These regulations shall apply in respect of—

(a) Moneys and personal property raised or solicited in New Zealand for patriotic purposes ;

(b) Moneys and personal property raised overseas and brought to New Zealand for patriotic purposes ;

(c) Moneys and personal property raised in New Zealand and held by the High Commissioner for New Zealand in London for patriotic purposes ;

(d) The proceeds and investments of such moneys or other personal property, whether in the form of real property or personal property,—

and, so far as lawfully may, shall also apply in respect of—

(e) Moneys and other personal property raised in New Zealand for patriotic purposes and expended or applied overseas by persons or bodies ordinarily resident in New Zealand, or, as the case may be, having therein the headquarters controlling such overseas expenditure or application of such moneys or personal property.

PART I.—NATIONAL ORGANIZATION.

REGULATION 2.—PATRIOTIC FUNDS.

(1) Save pursuant to any exemption granted under clauses (5) and (6) of Regulation 3 hereof, it shall not be lawful for any person to establish any patriotic fund except the National Patriotic Fund and the Provincial Patriotic Funds established by these regulations.

(2) Every person who commits or assists in committing a breach of this regulation shall be liable on summary conviction to a fine of £100, and all moneys and other personal property raised for any patriotic fund unlawfully established shall become the property of the National Fund or such Provincial Fund as the Minister directs.

REGULATION 3.—ADMINISTRATION.

(1) These regulations shall be administered by the Minister of Internal Affairs.

(2) All such officers as may be required for such administration shall be appointed as officers of the Public Service.

(3) The Minister may from time to time, by writing under his hand, make such rules or orders as he thinks fit for the purpose of giving effect to any recommendation of the Council under Regulation 8 hereof which has been adopted by him and for the purpose generally of giving full effect to the intent and purposes of these regulations and to anything done in exercise of any power or authority conferred thereby or by any such rule or order on any person.

(4) Every such rule or order shall have full force and effect according to the tenor thereof in all respects as if it formed part of these regulations.

(5) The Minister may from time to time, by notice in the *Gazette*, exempt, wholly or partly, and subject to such conditions as he thinks fit to impose, any patriotic purpose from the application of these regulations or declare any purpose specified in such notice not to be a patriotic purpose under these regulations, and any such notice may at any time in like manner be varied or revoked.

(6) The Minister may from time to time, subject to such conditions as he thinks fit, delegate to any Provincial Council or to any controlling committee the power of exemption conferred on him by the last preceding clause of this regulation. Any such delegation may be in respect of patriotic purposes generally or any specified patriotic purpose and may at any time be revoked by the Minister.

REGULATION 4.—NATIONAL PATRIOTIC COUNCIL.

(1) There is hereby established an advisory council to be called "the National Patriotic Council."

(2) The Council shall consist of such persons as the Minister from time to time appoints to be members of the Council. Any person may be so appointed by name or as the holder for the time being of any office. One of such persons shall be so appointed as Chairman and another as Deputy Chairman of the Council.

(3) Every person appointed under the last preceding clause shall hold office during the pleasure of the Minister.

(4) The members of the Council other than persons (if any) in the service of the Government shall be paid all locomotion, board, and lodging expenses reasonably incurred by them and approved by the Minister 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.

REGULATION 5.—PROCEEDINGS OF THE COUNCIL.

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

(2) The Chairman shall preside at all meetings of the Council at which he is present. In the absence of the Chairman from any meeting, the Deputy Chairman shall be the Chairman. If at any meeting neither the Chairman nor the Deputy Chairman is present, the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(3) At any meeting of the Council a quorum shall consist of one-third of the persons for the time being appointed as members of the Council.

(4) At any meeting of the Council the Chairman shall have a deliberative vote, and in the case of an equality of votes he shall also have a casting vote. All questions before the Council shall be determined by a majority of the valid votes recorded thereon.

(5) Save as otherwise expressly provided by the Minister, 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 regulation.

(6) 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.

REGULATION 6.—COMMITTEES OF THE COUNCIL.

(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 these regulations, and may appoint as members of any such committee, or authorize any such committee to co-opt as members thereof, persons who are not members 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, and, if it thinks fit, appoint another member in his stead.

(3) The Council may refer to any such committee any matters for consideration or inquiry, and may with the approval of the Minister delegate to any such committee any of the powers and duties by these regulations conferred upon the Council.

REGULATION 7.—GENERAL FUNCTIONS OF THE COUNCIL.

The general functions of the Council shall be—

- (a) To advise the Minister, the Board, Provincial Councils, and controlling committees on all matters affecting the administration of these regulations to the end that activities for approved patriotic purposes shall be efficiently and economically carried on and that moneys and other property real or personal raised and acquired shall be used to the best advantage of those purposes ;
- (b) From time to time to make such investigations and inquiries as it deems necessary or as the Minister directs it to make ; and
- (c) Generally to exercise and perform all such specific powers and duties as are conferred or imposed on it by these regulations.

REGULATION 8.—PARTICULAR FUNCTIONS OF THE COUNCIL.

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

- (a) Make recommendations to the Minister as to approval or revocation of approval of patriotic purposes :
- (b) Review the necessity or otherwise of moneys being raised for any particular patriotic purpose within or beyond New Zealand :
- (c) Make such investigations as it thinks fit into methods and means of raising moneys for patriotic purposes, and make recommendations to the Minister—
 - (i) As to methods and means which, in its opinion, should be prohibited on grounds of cost or difficulties of regulation or control or are otherwise in any way whatever undesirable in the public interest :
 - (ii) As to methods and means which should be approved subject to special conditions to prevent wasteful or extravagant expenditure :
 - (iii) As to the limitation or prohibition of payments to persons for services rendered :
 - (iv) As to methods and means which, in its opinion, may be recommended as desirable from the point of view of economy and likelihood of success :
- (d) Investigate and report on organization of efforts for patriotic purposes to the end that overlapping and unnecessarily recurring demands on public generosity may be avoided :
- (e) Investigate the nature of and necessity for supplies or provision for the time being of comforts, conveniences, amenities, or special equipment to members of the Forces to the end that the same shall be of practical use and benefit in the conditions under which the Forces are for the time being serving, and available as and when required, and that unnecessary and wasteful work in supplying unsuitable goods or wasteful oversupply of suitable goods may be avoided, and to make recommendations to the Minister from time to time as to—
 - (i) The classes or kinds of goods immediately required :
 - (ii) The quantities thereof immediately required :

- (iii) The quantities thereof likely to be required within specified future periods :
- (iv) The kinds of goods which should not be accepted either because of their not being required or not being likely to be required, or because of their unsuitability for use in the conditions under which, for the time being, the Forces or any section of them are serving :
- (f) With respect to authorized collectors, make recommendations as to—
 - (i) Qualifications of authorized collectors :
 - (ii) Bodies which, in its opinion, are specially qualified by the structure of their organization and the nature of their objects to be authorized collectors :
 - (iii) What persons or bodies should not be recognized as authorized collectors :
 - (iv) The conditions governing the recognition and activities of persons or bodies as authorized collectors :
 - (v) The receipt of and accounting for moneys and kind by authorized collectors :
- (g) Investigate and report on the qualifications of persons and bodies to act for Provincial Councils in the expenditure of moneys or application of other personal property belonging to Provincial Patriotic Funds, and make recommendations as to what bodies (if any) should be specially recognized for special purposes and what special conditions (if any) should be imposed to ensure the proper expenditure of such moneys or application of other personal property by any such person or body as aforesaid :
- (h) Investigate and report on the organization and working of any provincial patriotic organization under these regulations, or the Provincial Council, or any controlling committee of such organization.

PART II.—PROVINCIAL PATRIOTIC DISTRICTS AND ORGANIZATIONS.

REGULATION 9.—PROVINCIAL PATRIOTIC DISTRICTS.

(1) For the purposes of these regulations New Zealand is hereby divided into provincial patriotic districts, which are hereby declared to be the provincial districts established by and with the boundaries specified by the Minister under section 11 of the New Zealand Centennial Act, 1938, by notice bearing date the 17th day of December, 1938, and published in the *Gazette* of the 21st day of that month at page 2832.

(2) Every alteration of such boundaries shall have effect for the purposes of these regulations.

(3) All subdivisions of provincial centennial districts duly made under section 14 of the New Zealand Centennial Act, 1938, whether made before or after the commencement of these regulations, shall be subdivisions of provincial patriotic districts under these regulations.

REGULATION 10.—PROVINCIAL PATRIOTIC ORGANIZATIONS.

(1) For every provincial patriotic district there shall be a provincial patriotic organization, which shall consist of the Provincial Patriotic Council and all controlling committees within such district.

(2) The several Provincial Centennial Councils and controlling committees under the New Zealand Centennial Act, 1938, existing from time to time are hereby declared to be Provincial Patriotic Councils and controlling committees for the purposes of these regulations.

(3) Every Provincial Council shall from time to time extend its membership and that of any controlling committee in such manner as it deems necessary for the more effective carrying-out of its functions and duties under these regulations and constitute such special committees of itself or of controlling committees for patriotic purposes as it deems necessary, and may also from time to time constitute controlling committees for specified subdivisions of the provincial district.

(4) The powers, functions, and duties of every controlling committee shall be such as the Provincial Council from time to time determines.

REGULATION 11.—PROVINCIAL PATRIOTIC COUNCILS.

(1) Every Provincial Council shall for the purpose of its functions under these regulations be a body corporate, with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

(2) Every Provincial Council shall from time to time notify in the *Gazette* an address at which documents may be served, and any document may be served on the Council by leaving it at the notified office or by sending it through the post in a registered letter addressed to the Council at that office.

(3) Subject to clause (4) hereof, every Provincial Council shall with respect to its own provincial district have—

(a) The sole power to specify the approved patriotic purposes for which the moneys shall be received for and expended out of that fund and for which goods of any kind shall be received and distributed :

(b) The sole power to appoint authorized collectors, but may delegate such power to the Chairman of the Council or, with respect to any subdivision of the provincial district, to the controlling committee of such subdivision which may delegate such power to the Chairman of such committee or to the Mayor or Chairman of any local authority in respect of any part of the district of such local authority forming part of such subdivision :

Provided that any such delegation may at any time be revoked :

(c) The sole power to expend or apply, by itself or by any person or body appointed by it as its agent in that behalf, the moneys forming part of that fund, or other personal property acquired by it or on its behalf for approved patriotic purposes :

- (d) The power to regulate and control the activities of all controlling committees within the provincial organization and all authorized collectors and agents for expenditure or application of moneys or other personal property, and to prohibit any particular activity from being carried on by any such controlling committee or authorized collector or agent :
- (e) Generally the power to do all things necessary for the effective carrying-out of approved patriotic purposes and the administration of the Provincial Fund.
- (4) Every power, function, or duty conferred by the last preceding clause shall be exercised or performed subject to any other provision of these regulations conferring any jurisdiction or power on the Minister or any other person with regard to the matters mentioned in that clause, and nothing in this regulation shall operate in any way to limit the Board in its powers, duties, and functions with respect to the National Fund.

REGULATION 12.—FINANCE OF PROVINCIAL PATRIOTIC ORGANIZATIONS.

- (1) The Funds of every provincial patriotic organization shall consist of all moneys coming into its possession or into the possession of any person on its behalf for the purpose of its Patriotic Fund.
- (2) It shall not be lawful for any such moneys to be expended for any purpose other than the approved particular purpose or purposes for which they were received or are otherwise authorized by these regulations to be expended or for meeting such expenditure as may have been reasonably incurred in the raising of such moneys and in the administration of the Patriotic Fund.

PART III.—NATIONAL PATRIOTIC FUND AND BOARD.

REGULATION 13.—NATIONAL PATRIOTIC FUND ESTABLISHED.

- (1) There is hereby established a fund, to be called the “National Patriotic Fund,” which shall consist of—
- (a) All moneys that may be contributed to the Fund or that may otherwise be lawfully payable into the Fund :
- (b) All moneys received by the Board from the sale or other disposal of any property of the Board :
- (c) All accumulations of moneys belonging to the Fund.
- (2) All moneys belonging to the Fund shall be paid into an account at the Reserve Bank of New Zealand to be called “the National Patriotic Fund Account.”
- (3) No moneys shall be paid out of the National Fund Account except pursuant to a resolution of the Board.

REGULATION 14.—NATIONAL PATRIOTIC FUND BOARD.

- (1) For the purpose of administering the National Fund there is hereby established a Board, to be called “the National Patriotic Fund Board.”
- (2) The Board shall consist of the Governor-General, who shall be the Chairman of the Board, and such other persons as the Minister from time to time appoints to be members of the Board either by name or as the holder for the time being of any office. One of such persons shall be so appointed as Deputy Chairman of the Board.

(3) Every person appointed by the Minister under the last preceding clause shall hold office during the pleasure of the Minister.

(4) The members of the Board, other than the Governor-General and persons (if any) in the service of the Government, shall be paid all locomotion, board, and lodging expenses reasonably incurred by them and approved by the Minister in respect of their attendance at meetings of the Board or their travelling by direction of the Board on the business of the Board.

(5) The Board shall be a body corporate, with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

(6) The Board shall from time to time notify in the *Gazette* an address at which documents may be served, and any document may be served on the Board by leaving it at the notified office or by sending it through the post in a registered letter addressed to the Board at that office.

(7) There may from time to time be appointed as officers of the Public Service a Secretary of the Board and such other officers as may be deemed necessary for the purpose of carrying out the functions of the Board.

REGULATION 15.—CONTRACTS OF THE BOARD.

(1) Any contract which, if made between private persons, must be by deed shall, if made by the Board, be in writing under the seal of the Board.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Board, be either under the seal of the Board or signed by two or more members of the Board on behalf of and by direction of the Board.

(3) Any contract which, if made between private persons, may be made orally may be similarly made by or on behalf of the Board by any member of the Board acting on behalf of and by direction of the Board, but no oral contract shall be made involving the payment by the Board of a sum exceeding £20.

(4) Notwithstanding anything in the foregoing provisions of this regulation, no contract made by or on behalf of the Board shall be invalid by reason only that it is not made in the manner prescribed by this regulation if it is made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

REGULATION 16.—MEETINGS OF THE BOARD.

(1) Meetings of the Board shall be held at such times and places as the Chairman or the Deputy Chairman appoints for that purpose.

(2) The Chairman shall preside at all meetings of the Board at which he is present. In the absence of the Chairman from any meeting the Deputy Chairman shall be the Chairman. If at any meeting neither the Chairman nor the Deputy Chairman is present the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(3) At any meeting of the Board a quorum shall consist of one-third of the persons for the time being appointed by the Minister as members of the Board.

(4) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an equality of votes he shall also have a casting vote. All questions before the Board shall be determined by a majority of the valid votes recorded thereon.

(5) Subject to the provisions of these regulations or any rule or order of the Minister made thereunder, the Board shall regulate its own procedure.

REGULATION 17.—GENERAL FUNCTION OF THE BOARD.

The general function of the Board shall be to administer the National Fund in accordance with the provisions of these regulations to the end that the moneys of the Fund shall be expended to the best advantage on the approved purposes for which such moneys were paid into the Fund.

REGULATION 18.—POWERS OF THE BOARD.

(1) The Board shall have all such powers as may be reasonably necessary for the efficient performance of its functions and duties under these regulations. Without limiting the general provision hereinbefore contained, it is hereby declared that subject to the provisions of these regulations the Board may from time to time—

- (a) Acquire, either by purchase, gift, or otherwise, any land, interest in land, or chattels for the purpose of carrying out the purposes to which the National Fund is applicable or the functions of the Board under these regulations :
- (b) Improve any land so acquired by the Board for the purposes for which such land or such interest therein was so acquired :
- (c) Erect, improve, alter, extend, equip, furnish, repair, and maintain any buildings on such land used or intended to be used for such purposes as aforesaid :
- (d) Establish institutions on any such land for such purposes as aforesaid and maintain such institutions :
- (e) Make grants of money or gifts of chattels to or for the purpose of any approved fund :
- (f) Generally expend or grant, with or without interest, loans out of moneys of the National Fund for the purposes for which such moneys were paid into the Fund :
- (g) Sell or otherwise dispose of any property of the Board that is not required to carry out the purposes to which the National Fund is applicable or the functions of the Board under these regulations.

(2) The Board may decline to accept any donation or bequest of money or any devise or gift of land or chattels if in its opinion any conditions upon which such donation, bequest, devise, or gift is made are such as to preclude such money, land, or chattels from being used or disposed of to the best advantage by the Board for the purposes of the National Fund or if, in its opinion, any such land or chattels cannot be so used or disposed of to such advantage.

(3) In making any grant, gift, or loan under paragraphs (e) and (f) of clause (1) of this regulation the Board may in its discretion impose such conditions as it thinks fit for the purpose of ensuring that the grant, gift, or loan is expended or used or disposed of only for the purposes for which it is made and to the best advantage, but the Board shall not be obliged to see to the application or be responsible for the misapplication or non-application of any such grant, gift, or loan or of any other moneys or land or chattels expended or disposed of under these regulations except by the Board itself.

(4) Any person wilfully committing a breach of any condition imposed by the Board under the last preceding clause commits an offence and is liable on summary conviction to a fine of £100 and, if the offence is a continuing one, to a further fine of £10 for each day or part of a day during which such offence continues.

REGULATION 19.—COMMITTEES OF THE BOARD.

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

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

(3) The Board may refer to any such committee any matters for consideration or inquiry or regulation and may within limits defined by the Board delegate to any such committee any of the powers, duties, and functions of the Board.

REGULATION 20.—VESTING CONTROL AND INVESTMENT OF PROPERTY.

(1) All land, interest in land, and chattels purchased with money belonging to the National Fund or acquired in any manner by the Board shall be vested in the Board.

(2) The Board for the purpose of managing any property vested in it or carrying on and maintaining any institution established by it may appoint such persons as it thinks fit or may appoint any body corporate which the Board is satisfied is specially qualified for that purpose to manage, carry on, or maintain any such property or institution on behalf of the Board on such terms and conditions as may be agreed on by the Board and such persons or body corporate.

(3) Any moneys belonging to the National Fund and not immediately required for expenditure by the Board 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 Minister of Finance may approve, either generally with respect to all investments or with respect to any particular investment.

REGULATION 21.—ANNUAL REPORT AND STATEMENT OF ACCOUNTS.

(1) At the end of each financial year the Board shall cause to be prepared a report of the proceedings of the Board for the year.

(2) The report shall contain a statement, in such form as the Minister from time to time approves or directs, of the total assets and liabilities as at the end of the year, together with an account of receipts and payments and of income and expenditure showing the financial transactions for the year.

(3) A copy of the report, with the accounts duly audited by the Audit Office, shall be laid before Parliament by the Minister.

PART IV.—PROVINCIAL PATRIOTIC FUNDS.

REGULATION 22.—PROVINCIAL PATRIOTIC FUNDS ESTABLISHED.

(1) There is hereby established in respect of each provincial district a fund to be called the “ [name of district] Provincial Patriotic Fund.”

(2) The fund shall be a common fund to meet the requirements, as they arise, of all purposes being from time to time approved purposes within the meaning of these regulations.

(3) Nevertheless, the Provincial Council may from time to time establish separate accounts within the Fund for special approved purposes, and in such case the moneys credited to any such separate account shall, save as hereinafter provided, be expended only for such special purposes.

(4) The Provincial Fund shall consist of—

(a) All moneys that may be contributed to the Fund or that may otherwise be lawfully payable into the Fund ; and

(b) All accumulations of moneys belonging to the Fund.

(5) All moneys belonging to the Fund shall, forthwith after receipt thereof by the Council, or in the case of an authorized collector or other agent of the Council, within such time as the Council prescribes in that behalf, 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,” and such account shall be separate from any account established or used in respect of activities under the New Zealand Centennial Act, 1938.

(6) Every such account shall be operated on only by cheque signed by the treasurer of the Fund and countersigned by any two of such members of the Council as the Council appoints for that purpose.

(7) Every person in receipt of moneys belonging to the Fund who fails to pay the same into the proper account within such time as may lawfully be required of him under these regulations shall be liable on summary conviction to a fine of £20 for every day during which such default continues.

REGULATION 23.—PARTICULARS TO BE SUPPLIED TO MINISTER.

(1) The Provincial Council shall forthwith furnish to the Minister a statement setting forth—

(a) The name, address, and description of the secretary, the treasurer, and other administrative officers of the Council, and of each of the members of the Council appointed to sign cheques :

(b) The name and address of the bank at which the Fund is kept.

(2) In the event of the death or retirement of any such member of the Council as aforesaid or of the appointment of a new member of the Council to sign cheques or of the appointment of any secretary, treasurer, or other administrative officer of the Council, it shall be the duty of the Chairman of the Council forthwith to send notice thereof to the Minister.

(3) Every Provincial Council, as and when required by the Minister, shall furnish to him a statement in writing setting forth such particulars as the Minister may require with respect to—

- (a) The amount for the time being in the Provincial Fund and in each separate account (if any) thereof ;
- (b) The names, addresses, and descriptions of all authorized collectors for the Fund ;
- (c) The amounts expended from the Fund and every separate account for each of the approved purposes for which the Fund is established ;
- (d) The names, addresses, and descriptions of persons (including agents of the Council) to whom moneys in the Fund have been paid, with the amounts so paid and the purposes thereof ;
- (e) The obligations incurred or undertaken by the Council involving future expenditure of the Fund, with estimates of the amounts to be so expended ;
- (f) Investments of moneys of the Fund ; and
- (g) Such other matters as the Minister may from time to time require.

REGULATION 24.—EXPENDITURE AND INVESTMENT OF PROVINCIAL FUND.

(1) No moneys shall be payable out of any Provincial Fund except—

- (a) For any approved purpose for which the Fund is established ;
- (b) For investment as hereinafter provided ;
- (c) For any purpose incidental to the proper administration of the Fund ; or
- (d) For transfer to the National Fund.

(2) Where in the case of any separate account within the Fund the moneys credited to that account are, in the opinion of the Provincial Council, more than sufficient to meet the requirements of the special purpose or purposes of that account, the Council may, with the consent in writing of the Minister, transfer therefrom such amount as the Minister approves to the purposes of the Common Fund or to any other separate account within the Fund, or pay the same or any part thereof to the National Fund either for the general purposes of the National Fund or for any specified purpose thereof.

(3) For the purpose of expending the moneys and applying other personal property of the Fund to the best advantage, a Provincial Council may—

- (a) Appoint as its agent or agents any society, association, or body of persons, whether incorporated or not, which by the nature of the objects for which such body is established

and by the machinery of its organization is, in the opinion of the Council, specially qualified to expend moneys or apply other personal property to the best advantage of any particular approved purpose :

Provided that no body shall be so appointed which the Minister by notice in writing to the Council prohibits from being such an agent :

- (b) From time to time pay or deliver to such agent such sums of money or such other personal property as the Council thinks fit for expenditure on or application to approved purposes specified in writing by the Council when making such payment, subject to all such conditions, restrictions, and qualifications as the Council imposes in such writing or are included therein by direction of the Minister :
- (c) From time to time make contributions out of the Fund to the National Fund for expenditure by the Board for approved purposes of the Provincial Fund outside the provincial district.

(4) In considering any proposed expenditure or application the Council shall have due regard to and make such provision as it deems proper for the needs of any subdivision of the provincial district, irrespective of the contributions to the Fund from such subdivision.

(5) Where any moneys of the Provincial Fund are voted by the Council for expenditure on approved purposes overseas, such moneys shall be paid into the National Fund for transmission for expenditure to such bodies overseas as the Minister approves, at such times and in such amounts as the Minister of Finance from time to time approves, or for expenditure in New Zealand on the purchase of goods for distribution overseas by such bodies as the Minister approves.

(6) The Board shall, in such manner and at such times as the Minister directs, render to the Provincial Council such accounts and statements of the receipt and disposal of moneys received by it from the Council as the Minister directs.

(7) Any moneys belonging to a Provincial Fund and not immediately required for expenditure by the Provincial Council 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 Minister of Finance may approve either generally with respect to all investments or with respect to any particular investment.

(8) Such particulars of all such investments as the Minister of Internal Affairs may from time to time require shall be forwarded to him within such time as he fixes in that behalf.

REGULATION 25.—ACCOUNTS AND AUDIT OF PROVINCIAL FUNDS.

(1) Accounts of all moneys and property received and expended or applied by Provincial Councils and controlling committees and authorized collectors and agents for expenditure of Provincial Councils shall be kept in such manner as the Minister from time to time directs and audited as provided by these regulations.

(2) Every Provincial Fund and all accounts required by these regulations to be kept in connection therewith shall at such intervals not exceeding one year, as the Minister directs, be audited either by the Audit Office or by an auditor to be appointed for the purpose by the Audit Office.

(3) The Audit Office or other auditor as aforesaid may require the production of all books, papers, accounts, and other documents relating to the receipts and expenditure of moneys belonging to the Fund; and any person in whose possession or under whose control such books, papers, accounts, or documents may be who refuses, or without lawful excuse, the proof of which shall be on him, fails on the request of the auditor, to produce the same at some reasonable time and place, or to allow reasonable access thereto, and every person who having knowledge of where any such books, papers, accounts, or documents may be found refuses or fails, without such lawful excuse as aforesaid, to disclose such knowledge to the auditor, commits an offence and is liable on summary conviction to a fine of £50.

(4) All expenses in connection with the audit of the Fund, including the fee (if any) payable for such audit, shall be payable out of the Fund.

(5) On completion of any such audit the Audit Office shall forward to the Minister a report as to the result of such audit, together with a certificate, in such form as the Minister may require, as to the regularity or otherwise of payments to and from the Fund and as to such other matters as in the opinion of the Audit Office should be brought under the Minister's notice.

(6) Forthwith on receipt of such report and certificate the Minister shall cause the same to be published in such manner as he may direct, or may cause to be published in lieu thereof a statement setting forth the material part of such report and certificate.

REGULATION 26.—INVESTIGATION OF ADMINISTRATION AND ACCOUNTS OF PROVINCIAL FUNDS.

(1) The Minister may at any time cause an investigation of the administration and accounts of any Provincial Council or any controlling committee or any authorized collector or any agent of a Provincial Council appointed under Regulation 24 hereof or of any Provincial Fund to be made by any person appointed by the Minister for that purpose.

(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 by the Minister full information on all matters relative to such investigation, and to produce to him all such relevant books, papers, accounts, and other documents as may be necessary for him to make such investigation; and every person who makes default in so doing, or who in any manner obstructs the investigation or deceives the person so appointed to make the investigation, shall be liable on summary conviction to a fine of £100.

(3) If on considering the report of the investigation the Minister is of opinion that there has been a breach of trust or negligence or other culpability on the part of any person, he may apply to a Stipendiary Magistrate for an order directing that the costs and

expenses of the investigation, or any part thereof, be borne by such person, and any order made by a Magistrate on such application shall be enforceable as a judgment of the Magistrates' Court.

(4) In fixing the amount of any such order regard shall be had to the culpability of the person against whom the order is sought and to the scale for the time being in force for the audit of the accounts of local bodies under Part XIV of the Public Revenues Act, 1926.

(5) Any such order may be made against two or more persons so as to impose a joint and several liability upon them.

REGULATION 27.—PENALTY FOR MISAPPROPRIATION OF THE PROVINCIAL PATRIOTIC FUND, ETC.

(1) If on the audit of any Patriotic Fund or on any investigation or inquiry made under these regulations it appears that any moneys or any other property real or personal subject to these regulations have been expended, applied, or used for any unauthorized purpose, the moneys or the value of such property may be recovered to the use of the Fund or of any body to which they lawfully belong by the Minister, or any person authorized in that behalf by the Minister, from the person or body by whom they were so expended, applied, or used as aforesaid as if such moneys or such value were a debt owing jointly and severally by all the defendants in the proceedings.

(2) Every person who authorizes or joins in authorizing the expenditure or application of any such moneys or other property as aforesaid for any unauthorized purpose shall be liable on summary conviction to a fine of £100.

(3) In any proceedings under this regulation it shall be a good defence if the defendant proves—

- (a) That the moneys or other property were expended or applied—
 - (i) Without his knowledge ;
 - (ii) If with his knowledge, then against his protest made at or before the time when the expenditure or application was authorized ; or
- (b) That, in being a party to the authorization of any such expenditure or application, he acted in good faith and with the written advice of a solicitor.

PART V.—PATRIOTIC PURPOSES AND AUTHORIZED COLLECTORS.

REGULATION 28.—APPROVAL OF PATRIOTIC PURPOSES.

(1) The Minister may from time to time by notice in the *Gazette* declare any patriotic purpose to be an approved patriotic purpose under these regulations.

(2) Any such declaration may apply generally to the National Patriotic Fund and all Provincial Funds or be limited to any Fund or Funds specified in such declaration, and any such declaration may at any time in like manner be revoked.

(3) Any Provincial Council desiring approval of any patriotic purpose in connection with its Fund which is not covered by any declaration applying generally as aforesaid shall make application to the Minister in writing for a declaration by the Minister in that behalf, and the Minister may in his discretion grant or refuse such application, or grant the same subject to such conditions as he thinks fit to impose, and may, in any case before granting such approval, require the Council to furnish him with such particulars and information as he thinks fit to enable him to satisfy himself as to the necessity or the desirability of such approval.

REGULATION 29.—AUTHORIZED COLLECTORS.

(1) It shall not be lawful for any person 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 out as willing to receive such gifts for any such purpose unless such purpose is an approved purpose and such person is an authorized collector.

(2) Every person who commits a breach of any of these regulations relating to the raising or collecting or soliciting or receiving of moneys or goods for patriotic purposes or of the conditions on which he has been appointed an authorized collector, or of any of the conditions governing his activities as an authorized collector, commits an offence and shall be liable on summary conviction to a fine of £100 and, where the breach is a continuing one, to a further fine of £10 for every day or part of a day during which such offence continues.

REGULATION 30.—APPOINTMENT AND CONTROL OF AUTHORIZED COLLECTORS FOR NATIONAL FUND.

(1) The Minister may from time to time appoint any person to be an authorized collector for the National Fund.

(2) Without such appointment as aforesaid—

(a) Every Mayor of a city or borough, and every Chairman of a County Council, every Chairman of a Road Board in a county in which the Counties Act is suspended or not in operation, and every Chairman of a Town District not forming part of a county :

(b) The proprietor of every registered newspaper :

(c) Every trading-bank and savings-bank so far as regards collection from their respective customers and depositors :

(d) Every Postmaster and every branch of the Post Office Savings-bank,—

shall be deemed to be an authorized collector, but in acting as such shall observe all such conditions and directions as the Minister may from time to time impose or give.

(3) Any person who desires to be appointed an authorized collector for the National Fund shall make application in writing to the Minister in such form as the Minister prescribes, and the Minister in his discretion may grant or refuse such application.

(4) The Minister may, without application to him in that behalf, from time to time by notice in the *Gazette* appoint to be an authorized collector for the National Fund any society, association, or other body of persons, whether incorporated or not, which the Minister deems to be a body specially qualified by its objects and organization to be such a collector, and may with respect to each such body, by writing under his hand, define the scope of its activities, the persons through whom, and the methods by which it may raise moneys for the National Fund, or collect or otherwise acquire goods for distribution by or on behalf of the Board, and impose such conditions as to giving receipts and accounting for all such moneys and goods as he thinks fit.

(5) The Minister may at any time in his discretion revoke any appointment under this regulation or prohibit any person or body from continuing to exercise the authority conferred by clause (2) of this regulation.

REGULATION 31.—APPOINTMENT AND CONTROL OF AUTHORIZED COLLECTORS FOR PROVINCIAL FUNDS.

(1) The appointment of authorized collectors for any Provincial Fund shall be made by the Provincial Council or any person or body to whom such Council has delegated its power of appointment under clause (3) of Regulation 11 hereof.

(2) Any such appointment may at any time be revoked by the appointing authority, and the Provincial Council may at any time revoke any appointment made by any other person or body pursuant to a delegation by the Council of its power of appointment.

(3) Subject to any rule or order made or given by the Minister, the Provincial Council may, for the purpose of ensuring that only fit persons or bodies are so appointed and for regulating and controlling their activities, from time to time—

(a) Prescribe forms of application for and of appointment and all other forms it deems necessary :

(b) Prescribe the information and particulars to be furnished with every such application :

(c) Impose or authorize the appointing person or body to impose such conditions, restrictions, or qualifications as it deems proper with respect to—

(i) The approved purposes for which any authorized collector may collect or otherwise raise money or receive money or other personal property :

(ii) The methods and means to be employed or used by the authorized collector, and the places and times at and during which the authorized collector may make any collection or appeal or hold any function or entertainment in aid of the Provincial Fund :

(iii) The carrying and production by the authorized collector of the document of appointment or the wearing or display of any card or badge or other evidence of authority to act as an authorized collector :

- (d) Prohibit any cost of collection or other manner of raising or receiving money or other personal property being charged by an authorized collector, or fixing the limits of any such cost in connection with any appeal, function, or entertainment to be made or held by the authorized collector :
 - (e) Require all authorized collectors forthwith on request to furnish all such particulars and information with respect to moneys or other personal property received as the Council or other appointing authority thinks fit :
 - (f) Fix the limits of time within and the means by which all money and other personal property shall be transmitted to the Council or its appointed agent.
- (3) All books, papers, and other documents in the possession or under the control of any authorized collector relating to his activities as such shall at all times be open to inspection by any person appointed in that behalf by the Council or other appointing authority, and shall, as and when the Council so directs, be given into the possession of the Council or such person as the Council directs.
- (4) Notwithstanding anything contained in the foregoing provisions of this regulation, no person or body shall be appointed as an authorized collector who is prohibited by the Minister from being an authorized collector, and the Minister may at any time revoke the appointment of any collector made under this regulation ; and nothing in this regulation shall operate to limit the authority of the Minister or the Audit Office under these regulations.

PART VI.—GENERAL.

REGULATION 32.—AUTHORITY TO MAKE CONTRIBUTIONS TO NATIONAL AND PROVINCIAL FUNDS.

(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 Board or to any Provincial Council, and the Board or the Council may accept, donations or gifts of real or personal property for the approved purposes of its Fund.

(2) Notwithstanding anything to the contrary in the Savings-bank 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 any such fund for the approved purposes thereof out of the surplus profits of the bank.

(3) For the purposes of this regulation the term “ local authority ” means a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section 2 of that Act, or of any Order in Council thereunder, or by virtue of the provisions 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 regulation.

REGULATION 33.—SPECIAL PROVISION *re* MONEYS AND GOODS
HERETOFORE COLLECTED.

(1) Where any person or body of persons (hereinafter in this regulation called the donee) has, by means of public appeal or otherwise howsoever, collected or in any other manner raised or acquired money or goods for any patriotic purpose or for the purpose of any work which the donee proposes to do in connection with the war, the donee shall—

(a) Within fourteen days after the commencement of these regulations, forward to the Minister and to the Provincial Council a statement showing with respect to all such moneys and goods—

(i) The total amount of such moneys and the purposes for which they were raised ;

(ii) Particulars of such goods, specifying the number or quantity of each class or kind thereof and the purposes for which they were acquired ; and

(b) Hold the same in trust for disposal in such manner and for such approved patriotic purposes as the Provincial Council directs.

(2) The provisions of the last preceding clause shall apply to moneys and goods promised before but not received by the donee until after the commencement of these regulations with this modification : that the statement prescribed by paragraph (a) of that clause shall be forwarded within fourteen days after the receipt of any such moneys or goods.

REGULATION 34.—MEMBERS OF BOARD AND PROVINCIAL COUNCILS
AND CONTROLLING COMMITTEES NOT PERSONALLY LIABLE.

No member of the Board or of any Provincial Council, or of any controlling committee, shall be personally liable for any act or default done or made by the Board, Council, or committee or any member thereof in good faith in the course of the operations of the Board, Council, or controlling committee.

REGULATION 35.—GENERAL PENALTY.

Every person who commits any breach of the provisions of any of these regulations, or of any order or direction of any person authorized by or under these regulations to make or give such order or direction, or who for the benefit of himself or any other person makes any false or misleading statement to or otherwise misleads or attempts to mislead any person duly acting for any purpose under these regulations, commits an offence, and where no penalty for such offence is provided elsewhere in these regulations shall be liable on summary conviction to a fine of £20 and, where the offence is a continuing one, to a further fine of £5 for every day during which such offence continues.

C. A. JEFFERY,

Clerk of the Executive Council.

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