



ANALYSIS

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1948, No. 51

Title.

AN ACT to Constitute the Armed Forces Canteen Council, to Provide for the Establishment of Canteens and Other Amenities for the Benefit of the Armed Forces, and for Matters Incidental Thereto.

[26th November, 1948

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

Short Title
and
commencement.

1. This Act may be cited as the Armed Forces Canteens Act, 1948, and shall come into force on the first day of December, nineteen hundred and forty-eight.

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

“Amenities” means canteens, cinematograph-theatres and other theatres and places of social entertainment, hairdressing saloons, cafeterias, shops, and other facilities calculated to meet the current requirements of members of His Majesty’s Armed Forces and of other persons employed or residing on service establishments; but does not include any service mess:

“Council” means the Armed Forces Canteen Council constituted under this Act:

“Financial year” means a year ending on the thirty-first day of March:

“Fund” means the Armed Forces Canteen Fund established under this Act:

“Minister” means the Minister of Defence:

“Service establishment” means any place where members of His Majesty’s Armed Forces are from time to time stationed or assembled under Naval, Military, or Air Force control.

The Armed Forces Canteen Council

3. (1) There is hereby constituted for the purposes of this Act a body corporate under the name of the Armed Forces Canteen Council, having perpetual succession and a common seal, and being capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer. Incorporation of Armed Forces Canteen Council.

(2) The Council hereby constituted shall be deemed to be the same body corporate as the Canteen Board established under the Defence Canteen Emergency Regulations 1939. Serial number 1939/242

4. (1) The Council shall consist of—

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

(b) An officer of the Royal New Zealand Navy, an officer of the New Zealand Army, and an officer of the Royal New Zealand Air Force, to be appointed by the Minister and to hold office during the pleasure of the Minister:

(c) Such other persons as the Minister from time to time appoints to be members of the Council either by name or as the holder for the time being of any office, to hold office during the pleasure of the Minister.

(2) The procedure of the Council shall be such as may be prescribed by regulations made under this Act, or as may be determined by the Council if there are no such regulations or in cases where the regulations do not apply.

Contracts of
the Council.

5. The contracts of the Council shall be made in the manner prescribed by regulations made under this Act.

Officers of the
Council.

6. There may be appointed as officers of the Public Service, a Secretary of the Council, and such other officers as may be deemed necessary to assist the Secretary in the efficient carrying-out of the administrative functions of the Council under this Act.

Functions and Powers of the Council

Functions of
the Council.

7. The functions of the Council shall be to provide amenities on service establishments for the benefit of members of the Armed Forces and of other persons employed or residing on those establishments.

Powers of the
Council.

8. (1) The Council shall have power to set up and conduct amenities in such service establishments as the Minister from time to time determines, and to do all things as are in the opinion of the Council necessary or incidental to the setting-up and conducting of any such amenities.

(2) Without limiting the general power conferred by the last preceding subsection, it is hereby declared that the Council shall have the following powers:—

(a) To buy, sell, and deal in goods of all kinds, and to acquire by purchase or on bailment or otherwise all such furniture, fittings, machinery, accessories, and implements as may be necessary or desirable for the more effectual conduct of any such amenity as aforesaid:

(b) From time to time to contract for the services of and engage, employ, and dismiss such persons (other than the Secretary and

other officers of the Council appointed under section six of this Act) as may be required to assist in conducting any amenity which the Council is authorized to conduct under this Act:

- (c) To dispose of any property of the Council at such price and on such conditions as the Council thinks fit:
- (d) To expend moneys out of the Fund for any of the purposes specified in the last preceding section in such manner as the Council thinks fit:
- (e) To appoint committees of such persons (whether members of the Council or not) as it thinks fit, and to delegate to them such functions as it may determine:
- (f) To expend any moneys out of the Fund and generally take any action for any purpose that in its opinion is ancillary to the principal functions of the Council as defined in the last preceding section.

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9. The Council may, in any financial year, expend out of the Fund for purposes not authorized by this or any other Act any sum or sums not amounting in the whole to more than fifty pounds.

Unauthorized expenditure.

10. The Minister may from time to time—

- (a) Authorize the Council to set up and conduct amenities in such service establishments as he determines:
- (b) Authorize other persons to provide amenities in any such service establishments.

Minister may authorize setting up and conduct of amenities on service establishments.

11. (1) Nothing contained in the Licensing Act, 1908, or in section fifty-nine of the Defence Act, 1909, shall apply to any amenity set up and conducted by the Council or by any other person pursuant to any authority granted under the last preceding section.

The Licensing Act, 1908, and section 59 of the Defence Act, 1909, not to apply to amenities. See Reprint of Statutes, Vol. IV, p. 234 Ibid., Vol. II, p. 595

(2) Section ninety-three of the Defence Act, 1909, is hereby repealed.

Repeal. Ibid., p. 610

Financial Provisions

Armed Forces
Canteen Fund
established.

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

(a) All moneys which immediately before the commencement of this Act formed part of the Canteen Fund established under the Defence Canteen Emergency Regulations 1939:

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

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

(2) All moneys which, if this section had not been passed, would have been payable into the Canteen Fund shall be paid into the Armed Forces Canteen Fund.

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

(4) No moneys shall be paid out of the said Account in distribution of the profits of the Council except pursuant to a resolution of the Council:

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

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

(6) All cheques drawn on the Armed Forces Canteen Account shall be signed, and all negotiable and other instruments requiring endorsement shall be endorsed, by any two of such members of the Council as are nominated for the purpose or by one such member and the Secretary of the Council or other officer of the Council nominated for the purpose:

Provided that cheques for payment into the said Account may be endorsed by any one of such members of the Council as aforesaid or by the Secretary or other officer of the Council nominated for the purpose.

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

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

(8) The administrative expenses of the Council shall be payable out of the Fund.

13. (1) The Council shall keep proper accounts of its moneys and property, and its accounts and stores shall be subject to audit in the same manner in all respects as if the moneys and stores of the Council were public moneys and public stores within the meaning of the Public Revenues Act, 1926.

Accounts and annual report.

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

(2) The Council shall, as soon as may be after the end of each financial year, furnish to the Minister a report of its proceedings and operations for that year, together with a copy of its accounts for that year certified by the Audit Office.

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

14. (1) After such provision has been made as the Council thinks proper for liabilities, whether accrued or contingent, for reserves, and for future activities of the Council, the profits arising from the activities of the Council shall from time to time be disposed of in such manner as the Council, with the approval of the Minister, thinks fit, for the benefit of members of any of His Majesty's Forces, or of any other persons from whom revenue has been derived by the Council.

Distribution of profits.

(2) At any time during any financial year, if the Council is of opinion that there will for that year be a surplus of profits available for disposal after making

the provision referred to in the last preceding subsection, the Council may, with the approval of the Minister, make in anticipation of that surplus any such disposal of funds as is authorized by that subsection.

Miscellaneous

Council may
make rules.

15. (1) The Council may from time to time after consulting the Naval Board of New Zealand, the Army Board, or the Air Board, as the case may require, make rules—

- (a) Regulating the conduct of any amenity conducted by the Council under this Act:
- (b) Prescribing the hours during which and the days upon which any such amenity will be provided:
- (c) Prescribing the duties and obligations of servants of the Council employed in connection with any such amenity.

(2) Rules may be made under this section with respect to amenities generally or to amenities of a specified class or classes or to a specified amenity.

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No. 4

Exemption from
taxes and
social security
charge.

16. (1) The Council is hereby declared to be exempt from the payment of land-tax, income-tax, and social security charge.

Repeal.

1940, No. 30

Regulations.

(2) Section twenty-five of the Finance Act (No. 4), 1940, is hereby repealed.

17. The Governor-General may from time to time, by Order in Council, make regulations in respect of any matter for which regulations are contemplated by this Act or which in his opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

Revocations.

Serial numbers
1939/242
1941/157

18. The Defence Canteen Emergency Regulations 1939 and the Defence Canteen Emergency Regulations 1939, Amendment No. 1, are hereby revoked.