

ARMED FORCES CANTEENS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Armed Forces Canteens Act 1948.

Clause 2 specifies the manner in which the Armed Forces Canteen Council is to make contracts. Section 5 of the present Act provides that contracts are to be made in the manner prescribed by regulations, but no such regulations have yet been made.

Clause 3 re-enacts in an amended form the existing provisions providing for the appointment of a Secretary and other officers of the Council. The clause now provides for the appointment under the Public Service Act 1912 of a General Manager, a Secretary, and other employees of the Council.

Clause 4 authorises the Council to buy goods of all kinds that are necessary or desirable for the conduct of service messes and to sell the same to service messes. The effect of *subclause (2)* is to authorise the Council to sell liquor to service messes, notwithstanding the provisions of the Licensing Act 1908.

Hon. Mr Macdonald

ARMED FORCES CANTEENS AMENDMENT

ANALYSIS

Title	2. Contracts of the Council
1. Short Title	3. Officers of the Council
	4. Sales to service messes

A BILL INTITULED

An Act to amend the Armed Forces Canteens Act 1948

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

1. Short Title—This Act may be cited as the Armed Forces Canteens Amendment Act 1956, and shall be read together with and deemed part of the Armed Forces Canteens Act 1948 (hereinafter referred to as the principal Act).

10 **2. Contracts of the Council**—The principal Act is hereby amended by repealing section five, and substituting the following section:

15 “5. (1) Any contract which, if made between private persons, must be by deed shall, if made by the Council, be in writing under the common seal of the Council.

“(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 Council, be in writing either under the common seal of the Council or signed on behalf of the Council by some member or officer of the Council duly authorised in that behalf. 5

“(3) Any contract which, if made between private persons, may be made orally without writing may, if made by the Council, be made orally without writing by any person acting on behalf of and under the express authority of the Council, but no oral contract shall be made for any sum exceeding fifty pounds. 10

“(4) The common seal of the Council shall not be affixed to any document except pursuant to a resolution of the Council, and the execution of any document so sealed shall be attested by two members of the Council and by the General Manager or the Secretary or by some officer of the Council authorised by the Council in that behalf. 15

“(5) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Council shall be invalid by reason only that it was not made in the manner provided by this section, if it was made pursuant to a resolution of the Council or to give effect to a resolution of the Council.” 20

3. Officers of the Council—(1) The principal Act is hereby amended by repealing section six, and substituting the following section: 25

“6. There may from time to time be appointed under the provisions of the Public Service Act 1912 a General Manager of the Council, a Secretary of the Council, and such other employees as may be deemed necessary to assist in the efficient carrying out of the administrative functions of the Council under this Act.” 30

(2) Section eight of the principal Act is hereby amended by omitting from paragraph (b) of subsection two the words “the Secretary and other officers”, and substituting the words “the General Manager, the Secretary, and other employees”. 35

(3) Section twelve of the principal Act is hereby amended by inserting in subsection six, before the words “the Secretary” wherever they occur, the words “the General Manager or”. 40

4. Sales to service messes—(1) Section eight of the principal Act is hereby amended by inserting in subsection two, after paragraph (a), the following paragraph:

5 “(aa) To buy goods of all kinds that are necessary or desirable for the conduct of service messes and sell the same to duly authorised service messes:”.

(2) The principal Act is hereby amended by repealing section eleven, and substituting the following section:

10 “11. Nothing in the Licensing Act 1908 shall apply with respect to—

“(a) Any amenity set up and conducted by the Council or by any other person pursuant to any authority granted under section ten of this Act:

15 “(b) The sale of liquor by the Council to any duly authorised service mess.”