

## KING GEORGE THE FIFTH MEMORIAL CHILDREN'S HEALTH CAMPS AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the King George the Fifth Memorial Children's Health Camps Act 1953.

*Clause 1* relates to the Short Title and commencement of the Bill.

*Clause 2:* Section 9 (2) of the principal Act provides that the King George the Fifth Memorial Children's Health Camps Board, when making a grant to any Central Council or district committee or camp management committee or other body engaged in the promotion or administration of children's health camps, may impose such conditions as it thinks fit in order to ensure that the grant is expended only for the purpose for which it was made and to the best advantage. The effect of this amendment is that these provisions are to apply only where the grant is made to some body other than a Central Council or district committee or camp management committee.

*Clause 3* declares that the Federation is a public body for the purposes of the Public Bodies Contracts Act 1959. The effect of this provision is that contracts of the Federation must be made in accordance with that Act, and any delegation by the Board of the power to enter into contracts must be made in accordance with section 4 of that Act.

*Clause 4: Subclause (1)* re-enacts in an amended form section 13 (2) of the principal Act, which requires all money belonging to the Fund to be paid into the Fund Account at the Reserve Bank. The new provision makes it clear that the subsection does not apply to funds the expenditure of which is controlled by Central Councils or committees, and the subsection also enables the money to be paid into an appropriate imprest account established by the Board under section 14 (1) of the principal Act.

*Subclause (2)* alters the existing provisions as to the drawing of cheques on the Fund Account, and provides that cheques on that Account may be signed by the Secretary or by some other officer of the Board authorised to sign cheques, and countersigned in each case by a member of the Board authorised by the Board to countersign cheques.

*Clause 5:* The effect of this clause is that each imprest account is to be in the name of the Federation and not in the name of the imprestee, and that the Board and not a Central Council is to appoint the persons who may operate upon an imprest account.

*Clause 6* re-enacts in an amended form section 18 (1) of the principal Act, which establishes the four Central Councils of the Federation and defines the areas in which they are to exercise jurisdiction. The same four Councils are to continue, but the areas of their jurisdiction are to be defined by Order in Council, having regard to the division of New Zealand into health districts under the Health Act 1956.

*Clause 7* amends the existing provisions as to accounting by Central Councils, district committees, local committees, and camp management committees. The purpose of *subclause (1)* is to provide that the only bank account of a Central Council or committee will be an account for money the expenditure of which is controlled by the Council or committee under section 16 of the principal Act. Money expended on behalf of the Board will be expended from an imprest account established under section 14 (1).

*Subclause (2)* provides that the accounts of the Central Councils and committees are to be audited by the Audit Office. Each Central Council is required to send annually to the Board an abstract of its transactions and of the various committees in the area under its jurisdiction.

*Clause 8* provides for payment of travelling allowances and expenses to members of Central Councils, district committees, and camp management committees. The existing provisions enable such payments to be made only to members of the Board.

*Clause 9* is intended to make it clear that the purposes of the Federation are charitable for the purposes of any Act or of the law relating to trusts. As a result there will be no doubt that the Federation is exempt from income tax and that gifts to the Federation are exempt from gift duty. At present the Federation is expressly exempted from rates and land tax by section 28 of the principal Act.

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*Hon. Mr Mason*

**KING GEORGE THE FIFTH MEMORIAL  
CHILDREN'S HEALTH CAMPS AMENDMENT**

ANALYSIS

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A BILL INTITULED

**An Act to amend the King George the Fifth Memorial  
Children's Health Camps Act 1953**

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

10 **1. Short Title and commencement**—(1) This Act may be  
cited as the King George the Fifth Memorial Children's  
Health Camps Amendment Act 1960, and shall be read  
together with and deemed part of the King George the  
Fifth Memorial Children's Health Camps Act 1953 (herein-  
after referred to as the principal Act).

(2) This Act shall be deemed to have come into force on  
the first day of August, nineteen hundred and sixty.

15 **2. Powers of Board**—Section 9 of the principal Act is  
hereby amended by repealing subsection (2), and substituting  
the following subsection:

20 “(2) In making any grant under paragraph (e) of sub-  
section (1) of this section to any body other than a Central  
Council or district committee or camp management com-  
mittee, the Board may in its discretion impose such conditions

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as it thinks fit for the purpose of ensuring that the grant is expended only for the purpose for which it was made and to the best advantage; but the Board shall not be obliged to see to the application of the grant."

**3. Contracts of the Federation**—(1) The principal Act is hereby amended by repealing section 11, and substituting the following section: 5

"11. The Federation is hereby declared to be a public body for the purposes of the Public Bodies Contracts Act 1959."

(2) The First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in the appropriate columns of Part II, after the provisions relating to the Invercargill Licensing Trust, the following words: 10

"The King George the Fifth Memorial Children's Health Camps Federation	1953, No. 51—The King George the Fifth Memorial Children's Health Camps Act 1953. (1957 Reprint, Vol. 6, p. 807.)"
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(3) The principal Act is hereby consequentially amended by adding to subsection (1) of section 10 the following proviso: 20

"Provided that the Board shall not delegate power to enter into any contract on behalf of the Federation except in accordance with the provisions of section 4 of the Public Bodies Contracts Act 1959."

**4. Amending provisions as to Fund Account**—(1) Section 13 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 25

"(2) All money belonging to the Fund (not being money to which section 16 of this Act applies) shall be paid into an account at the Reserve Bank of New Zealand to be called the King George the Fifth Memorial Children's Health Camps Fund Account, or into the appropriate imprest account established under subsection (1) of section 14 of this Act." 30

(2) Section 13 of the principal Act is hereby further amended by repealing subsections (4) and (5), and substituting the following subsection: 35

"(4) The Fund Account may be operated on only by cheque signed by the Secretary to the Board, or by some other officer of the Board who is for the time being authorised by the Board to sign cheques, and countersigned in each case by any member of the Board who is for the time being authorised by the Board to countersign cheques." 40

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(3) Section 24 of the principal Act is hereby consequentially amended by repealing subsection (4).

**5. Imprest accounts**—Section 14 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Every imprest account shall be held in the name of the Federation, and may be operated on by such person or persons as may from time to time be appointed in that behalf by the Board.”

**6. Central Councils**—Section 18 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

“(1) There are hereby established for the purposes of this Act the following Central Councils of the Federation:

15 “(a) The Auckland Central Council:

“(b) The Wellington Central Council:

“(c) The Christchurch Central Council:

“(d) The Dunedin Central Council.

20 “(1A) Each Central Council shall have jurisdiction in an area prescribed by the Governor-General, by Order in Council, being such health districts under the Health Act 1956 as are specified in the Order in Council.”

**7. Financial provisions relating to Central Councils, district committees, etc.**—(1) Section 24 of the principal Act is hereby further amended by repealing subsection (1), and substituting the following subsection:

30 “(1) All money to which section 16 hereof applies received by any person on behalf of a Central Council or district committee or local committee or camp management committee shall forthwith be paid into such bank within the meaning of the Banking Act 1908 as the Council or committee, as the case may require, from time to time determines.”

(2) Section 24 of the principal Act is hereby further amended by adding the following subsections:

35 “(6) Each Central Council, each district committee, each local committee, and each camp management committee shall keep full and correct accounts of all money received and expended by it, and those accounts shall be audited by the Audit Office, which for that purpose shall have all the powers  
40 that it has under the Public Revenues Act 1953 in respect of public money and stores.

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“(7) Each Central Council and each such committee shall, as soon as possible after the end of a financial year, cause its accounts of money received and expended by it during that year to be balanced, and each Central Council shall cause an abstract of its transactions and the transactions of the committees in the area under its jurisdiction, duly audited, to be furnished to the Board.” 5

(3) Section 31 of the principal Act is hereby amended—

(a) By omitting from subsection (1) and also from subsection (2) the words “each Central Council, each district committee, and each camp management committee”: 10

(b) By omitting from subsection (1) the words “and the audit of local authorities’ accounts.”

(c) By omitting from subsection (4) the words “its accounts for that year certified by the Audit Office and a copy of the reports and accounts”, and substituting the words “the reports”. 15

**8. Payment of travelling expenses**—Section 29 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections: 20

“(2) There shall be paid to the members of a Central Council, a district committee, or a camp management committee travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 25

“(3) The Board, each Central Council, each district committee, and each camp management committee are hereby declared to be statutory Boards for the purposes of the Fees and Travelling Allowances Act 1951.” 30

**9. Purposes of Federation declared to be charitable**—The principal Act is hereby further amended by inserting, after section 33, the following section:

“33A. For the avoidance of doubt, it is hereby declared that for the purpose of any Act or rule of law the Federation has been and shall be deemed always to have been established exclusively for charitable purposes in New Zealand.” 35