

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
13th September, 1938.*

Hon. Mr. Fraser.

KING GEORGE THE FIFTH MEMORIAL FUND.

ANALYSIS.

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A BILL INTITULED

AN ACT to make Provision for the Control and Administration of the King George the Fifth Memorial Fund. Title.

5 WHEREAS in the year nineteen hundred and thirty-seven the Government established as a Memorial to His late Majesty King George the Fifth a National Fund for the establishment in New Zealand of Children's Health Camps: And whereas the Fund now Preamble.
10 amounts to the sum of one hundred and seventy-seven thousand six hundred and thirty-five pounds ten shillings and sixpence (of which one-half was raised by public subscription and one-half was provided by

the Government), together with interest thereon arising out of the temporary investment of the Fund: And whereas it is necessary to validate certain contributions to the Fund and to make provision for the control and administration of the Fund: 5

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

Short Title. 1. This Act may be cited as the King George the Fifth Memorial Fund Act, 1938. 10

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

“ Advisory Committee ” means the Advisory Committee appointed under section *ten* of this Act: 15

“ Board ” means the King George the Fifth Memorial Fund Board established by this Act:

“ Children’s health camp ” means a permanent camp, that is to say, any land which, together with the buildings thereon (if any), is used exclusively for the purposes of a children’s health camp, whether it is used or occupied continuously or otherwise: 20

“ Director-General ” means the Director-General of Health, and includes his deputy: 25

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

“ Fund ” means the King George the Fifth Memorial Fund established by this Act: 30

“ Fund Account ” means the King George the Fifth Memorial Fund Account established by this Act:

“ Local authority ” means a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section two of that Act, or of any Order in Council thereunder, or by virtue of the provisions of any other Act; and includes an Education Board and such other public bodies as are from time to time declared by the Governor-General by Order in Council to be local authorities for the purposes of this Act: 35 40

“ Minister ” means the Minister of Health:

“ Under-Secretary ” means the Under-Secretary for Internal Affairs. 45

3. (1) There is hereby established a Fund to be called the King George the Fifth Memorial Fund, which shall consist of—

King George
V Memorial
Fund
established.

5 (a) The sum of one hundred and seventy-seven thousand six hundred and thirty-five pounds ten shillings and sixpence mentioned in the Preamble to this Act, together with all interest thereon earned before the passing of this Act:

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

15 (c) All moneys that may be contributed to the Fund, or that may otherwise be lawfully payable into the Fund:

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

20 (2) All moneys belonging to the Fund shall be paid into an account at the Reserve Bank of New Zealand to be called the King George the Fifth Memorial Fund Account.

(3) No moneys shall be paid out of the Fund Account except pursuant to a resolution of the Board established by this Act.

25 4. (1) For the purpose of administering the Fund there is hereby established a Board to be called the King George the Fifth Memorial Fund Board.

Establishment
of Board to
administer
Fund.

(2) The Board shall consist of—

30 (a) The Minister, who shall be the Chairman of the Board:

(b) The Under-Secretary, who shall be the Deputy Chairman of the Board:

(c) The President of the Municipal Association of New Zealand, Incorporated:

35 (d) The President of the New Zealand Counties Association:

(e) The President of the Hospital Boards Association of New Zealand, Incorporated.

40 (3) 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.

Contracts of Board.

5. (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 any member of the Board on behalf of and by direction of the Board. 5

(3) Any contract which, if made between private persons, may be made verbally without writing 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 verbal contract shall be made involving the payment by the Board of a sum exceeding *twenty* pounds. 10 15

(4) Notwithstanding anything in the foregoing provisions of this section, 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 section if it is made pursuant to a resolution of the Board or to give effect to a resolution of the Board. 20

Meetings of Board.

6. (1) Meetings of the Board shall be held at such times and places as the Chairman appoints for that purpose. 25

(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 any other Minister who attends in his stead, or, if no Minister is present, the Deputy Chairman, shall be the Chairman. If at any meeting neither the Chairman nor any other Minister 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. 30

(3) At any meeting of the Board three members shall form a quorum. 35

(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. 40

(5) In the absence from any meeting of the Board of the Under-Secretary, he may authorize any other officer of his Department to act in his stead. In the

absence from any meeting of any member representing any association, the association may authorize any other person to act in his stead. While any person is attending any meeting of the Board pursuant to this subsection he shall for all purposes be deemed to be a member of the Board.

(6) Subject to the provisions of this Act and of any regulations made under this Act, the Board shall regulate its own procedure.

10 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 purposes of this Act. Officers of Board.

15 8. The general function of the Board shall be to administer the Fund in accordance with the provisions of this Act for the purpose of establishing, improving, and maintaining children's health camps, and for such other purposes in relation to children's health camps as may be prescribed. General function of Board.

20 9. (1) The Board shall have all such powers as may be reasonably necessary for the efficient performance of its functions and duties under this Act. Without limiting the general provision hereinbefore contained, it is hereby declared that, subject to the provisions of this Act and of any regulations made under this Act, the Board may from time to time— Powers of Board.

- 30 (a) Acquire, whether by purchase, gift, or otherwise, any land, interest in land, or chattels for the purposes of a children's health camp:
- (b) Improve any land used or intended to be used for the purposes of a children's health camp:
- (c) Erect, improve, alter, extend, equip, furnish, repair, and maintain any buildings used or intended to be used for the purposes of a children's health camp:
- 35 (d) Identify any children's health camps as parts of the national memorial to His late Majesty King George the Fifth:
- (e) Make grants to the National Federation of Health Camps or to any other body engaged in the promotion or administration of children's health camps:
- 40 (f) Sell or otherwise dispose of any property of the Board that is not required for the purposes of this Act.
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(2) In making any grant under paragraph (e) of the *last preceding* section the Board may in its discretion impose such conditions as it thinks fit for the purpose of ensuring that the grant is expended 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 of any grants or of any other moneys expended under this Act otherwise than by the Board itself. **5**

Advisory
Committee.

10. (1) For the purposes of this Act there shall be an Advisory Committee, which shall consist of such persons as the Minister from time to time appoints to be members thereof. **10**

(2) The Minister may appoint to be members of the Advisory Committee such persons as he thinks fit, to hold office either during his pleasure or for such periods as he thinks fit: **15**

Provided that the Advisory Committee shall include, in addition to any other members, representatives of the Department of Health, the Department of Education, and the Post and Telegraph Department, and representatives of the National Federation of Health Camps or of some other body engaged in the promotion or administration of children's health camps. **20**

(3) Without limiting the provisions of the *last preceding* subsection, it is hereby declared that the Minister may appoint to be members of the Advisory Committee by virtue of their offices the members of the Dominion Advisory Board of the National Federation of Health Camps or the members of any other body engaged in the promotion or administration of children's health camps. **25**

(4) The powers of the Advisory Committee shall not be affected by any vacancy in the membership thereof. **30**

(5) Subject to the provisions of this Act and of any regulations made under this Act, the Advisory Committee shall regulate its own procedure. **35**

Expenditure on
children's
health camps
to be made only
on requisition
of Director-
General,
pursuant to
resolution
of Advisory
Committee.

11. (1) The Board shall not expend any moneys or make any grants in respect of any children's health camp except upon a requisition made by the Director-General pursuant to a resolution of the Advisory Committee. **40**

(2) Every requisition under this section shall be in the prescribed form, or, if no form is prescribed, in such form as the Board from time to time approves or directs, and shall include or be accompanied by such specifications, particulars, and information as may be prescribed, or as may be required by the Board.

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(3) The Board may in its discretion refuse to comply with any requisition under this section or comply with it either unconditionally or upon or subject to such conditions as the Board thinks fit.

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(4) Before complying with any requisition the Board may require the Advisory Committee to furnish such further specifications, particulars, and information as the Board thinks fit.

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(5) Before refusing to comply with any requisition the Board shall give the Director-General and, if he so requires, the Advisory Committee an opportunity of showing cause why the Board should comply with the requisition.

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12. The Board shall repay to the Consolidated Fund out of the Fund Account the sum of six thousand three hundred pounds advanced from the Consolidated Fund for rebuilding purposes and for the extension of the accommodation for the staff in connection with the Otaki Children's Health Camp. The *last preceding* section shall not apply with respect to any payment under this section.

Repayment of advance from Consolidated Fund.

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13. (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, and the Board may accept, donations or gifts of land or any interest in land, money, or chattels for the purposes of the Fund.

Authorizing local authorities and others to contribute to Fund and validating past contributions.

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(2) Notwithstanding anything to the contrary in the Savings-banks Act, 1908, the trustees of any savings-bank may from time to time make contributions to the Fund out of the surplus profits of the bank.

See Reprint of Statutes, Vol. VIII, p. 142

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(3) All contributions made to the Fund before the passing of this Act shall be deemed to have been validly and lawfully made, whether or not they would have been valid and lawful if they had been made after the passing of this Act.

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Vesting and
control of
children's
health camps.

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

(2) Every children's health camp vested in the Board shall be managed and controlled by such body as the Board from time to time on the recommendation of the Advisory Committee directs. **5**

(3) Every direction of the Board under the *last preceding* subsection may be made upon or subject to such conditions as the Board thinks fit, and any such conditions may from time to time be amended by the Board. Any such direction may at any time be revoked by the Board on the recommendation of the Advisory Committee. **10**

Exemption
from rates and
taxes.

15. (1) All land for the time being vested in the Board and held by it as the site of any children's health camp, or in conjunction with any such site, shall be deemed not to be rateable property for the purposes of the Rating Act, 1925; and in respect thereof the Board shall be exempt from liability for the payment of rates. **15**

See Reprint
of Statutes,
Vol. VII,
p. 977

Ibid., p. 271

(2) The Board shall be exempt from the payment of land-tax and income-tax under the Land and Income Tax Act, 1923. **20**

Payment of
travelling-
expenses.

16. The members of the Board, other than the Minister and officers in the service of the Government, shall be paid all travelling-expenses reasonably incurred by them in respect of their attendance at meetings of the Board or their travelling with the authority of the Minister on the business of the Board. **25**

Investment
of moneys
of Fund.

17. Any moneys belonging to the Fund and not immediately required for expenditure by the Board may from time to time be invested in such securities 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. **30**

Expenses of
administration
of Act.

18. In order that as much as possible of the Fund shall be available for the purposes for which it was established, it is hereby declared that, subject to the provisions of any regulations made under this Act, all expenses incurred in respect of the administration of this Act shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose. **35**

19. (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.

Annual report, including statement of accounts.

5 (2) The report shall contain a statement, in such form as the Minister of Finance 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.

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

15 20. No member of the Board shall be personally liable for any act or default done or made by the Board or by any member thereof in good faith in the course of the operations of the Board.

Members of Board not personally liable.

20 21. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

Regulations.

25 (2) All regulations made under this section shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session.