

TREATY OF PEACE (JAPAN) BILL

EXPLANATORY NOTE

THIS Bill enables the Governor-General in Council to make regulations to give full effect to the Peace Treaty with Japan which was signed at San Francisco on 8 September 1951 and also to the Protocol in connection with the Treaty, which was signed on 3 October 1951.

Copies of the Treaty and Protocol have been laid before Parliament in parliamentary paper A-13 of 1951.

The Treaty and Protocol will come into force when the Treaty has been ratified by Japan, by the United States, and by at least five of the other ten signatory States named in that behalf in the Treaty. Subject to this provision they will come into force for each signatory State upon deposit of its instrument of ratification. If, however, the provisions relating to entry into force have not been fulfilled within nine months after ratification by Japan, any State which has ratified may bring the Treaty and Protocol into force between itself and Japan, by giving notice to that effect.

Hon. Mr. Webb

TREATY OF PEACE (JAPAN)

ANALYSIS

Title.
Preamble.
1. Short Title.

2. Power of Governor-General in Council to give effect to Peace Treaty and Protocol.
3. Act to apply to island territories and Samoa.

AN ACT to provide for carrying into effect a Treaty of
Peace and Protocol with Japan. Title.

WHEREAS in San Francisco on the eighth day of
September, nineteen hundred and fifty-one, a Treaty of Preamble.
5 Peace with Japan was signed on behalf of New Zealand:
And whereas a Protocol drawn up in connection with the
Treaty was on the third day of October, nineteen hundred
and fifty-one, also signed on behalf of New Zealand: And
10 whereas copies of the Treaty and Protocol have been laid
before Parliament: And whereas the Treaty and Proto- Parliamentary
Paper A-13
of 1951.
col will come into operation with respect to New Zealand
on the deposit of instruments of ratification of the Treaty
in accordance with its provisions: And whereas it is
15 expedient that the Governor-General in Council should
have power to do all such things as may be proper and
expedient for giving effect to the Treaty and Protocol:

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

20 1. This Act may be cited as the Treaty of Peace Short Title.
(Japan) Act 1951.

Power of
Governor-
General in
Council to give
effect to Peace
Treaty and
Protocol.

2. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as appear to him to be necessary for giving full effect to any of the provisions of the said Treaty or Protocol.

(2) Any such regulations may prescribe penalties for offences against the regulations, not exceeding in any case a fine of one hundred pounds or imprisonment for a term of three months, or both. 5

(3) All regulations made under this Act shall be laid before Parliament within twenty-eight days after the date of their making 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. 10

Act to apply
to island
territories and
Samoa.

3. This Act shall be in force in the Cook Islands, in the Tokelau Islands, and in Samoa. 15

UNION FUNDS DISTRIBUTION BILL

EXPLANATORY NOTE

THIS Bill provides for the distribution among their members of the funds and assets of the following unions that were deregistered in connection with the waterfront strike, namely:—

The New Zealand Waterside Workers' Industrial Union of Workers:

The Wellington, Nelson, Marlborough, and Taranaki Freezing Works, Abattoir, and Related Trades Employees' Industrial Union of Workers:

The Golden Bay Cement Company's Employees' Industrial Union of Workers:

The Portland Cement Workers' Industrial Union of Workers:

The Wellington Road Transport and Motor and Horse Drivers' and their Assistants' Industrial Union of Workers.

The Public Trustee is the Receiver of the property of the unions and their branches under regulation 7 of the Waterfront Strike Emergency Regulations 1951.

Clause 3 requires the secretary of each union or branch to forward to the Public Trustee within one month after the passing of the Act a certified list of the members of the union or branch as at the date of deregistration. The decision of the Public Trustee as to whether any person was a member on that date is to be final.

Clause 4 of the Bill continues the Public Trustee as Receiver of the unions and their branches.

Clause 5 declares all the property of the unions and branches to be vested in the Public Trustee as Receiver, including any property transferred from a union or branch to any of its members or officers after the appointment of the Receiver. All dealings with property so transferred are invalidated, subject to a discretionary power for the Public Trustee to allow compensation in proper cases to persons suffering loss or damage. A certificate by the Public Trustee or a District Public Trustee is to be sufficient evidence of the vesting of any property under this clause, and sufficient authority for the registration of titles in the name of the Public Trustee, including, if the Public Trustee or a District Public Trustee so requests, titles to property held by any persons in trust for a union or branch.

Subclause (4) of *clause 5* declares the property of the Wellington Drivers' and Related Trades Trade Union (which was registered under the Trade Unions Act 1908 on 24 April 1951 and deregistered on 1 May 1951) to be the property of the Wellington Road Transport and Motor and Horse Drivers' and their Assistants' Industrial Union of Workers, and to be subject to the Act accordingly.

Clause 6 continues the power of the Receiver under the regulations to return working clothes, gear, &c., to the workers entitled thereto, and authorizes the Receiver, if it is unclaimed, to dispose of this property and to hold the proceeds, if any, as property of the union or branch concerned.

Clause 7 requires all persons who hold any property of a union or branch or are indebted to a union or branch to notify the Public Trustee in writing.

Clauses 8 and 9 require the Public Trustee to pay out of the funds of each union or branch all its debts, including its share of the expenses of the receivership and distribution. The expenses are not to include the Public Trustee's remuneration, which is to be paid out of moneys to be appropriated by Parliament.

Clause 10 enables the Public Trustee to determine any questions as to the apportionment of any debts or expenses between any unions or branches.

Under *Clause 11* the surplus assets of each union or branch are to be divided equally among its members as at the date of the cancellation of the registration of the union. Where a union has branches the surplus funds of the union which do not belong to any particular branch are to be first divided among the branches in proportion to their membership.

Clause 12 requires subscriptions paid in advance before the cancellation of the registration of a union to be credited to the persons who paid them, before the surplus assets are divided.

Clause 13 enables the members of a deregistered union or branch to transfer the surplus assets to a new union by a resolution passed by a majority of three-fourths within two months after the passing of the Act. The Secretary of Labour is to approve the method of calling a meeting under this clause and an officer of the Labour Department is to be present at the meeting and certify the result in conjunction with the Chairman. In any such case any member of the old union or branch who is not a member of the new union may claim his share of the assets (including any subscription paid in advance) from the Public Trustee within one month. Subscriptions paid in advance to the old union or branch by members of the new union are to be refunded or credited to them by the new union.

Clause 14 provides for the powers required by the Public Trustee to enable him to carry out his functions under the Act.

Clause 15 provides that the Public Trustee is not to be obliged to require any person to repay any moneys withdrawn from the bank account of a union or branch on or after 22 February 1951, if they have been expended for the general purposes of the union or branch or for the benefit of the members.

Clause 16 provides that the acts and decisions of the Public Trustee as Receiver are not to be questioned in any Court.

Clause 17 relates to notices by the Public Trustee, *clause 18* to the exemption of declarations from stamp duty, *clause 19* to offences against the Act, and *clause 20* to the power to make regulations.

Clause 21 validates the Waterfront Strike Emergency Regulations 1951 and the appointment of the Public Trustee as Receiver under those regulations.

Hon. Mr. Sullivan

UNION FUNDS DISTRIBUTION

Title.	ANALYSIS
Preamble.	
1. Short Title.	
2. Interpretation.	
3. Membership of unions and branches.	
<i>Vesting of Property in Public Trustee</i>	
4. Public Trustee to continue to be Receiver.	
5. Vesting of property in Public Trustee.	
6. Disposal of working clothes and gear, &c.	
7. Persons holding property of union or branch or indebted to union or branch to notify Public Trustee.	
<i>Payment of Liabilities and Expenses</i>	
8. Public Trustee to pay debts.	
9. Expenses of receivership.	
10. Apportionment of debts and expenses between union and branches.	
	<i>Distribution of Property</i>
	11. Property to be distributed equally among members.
	12. Adjustment of subscriptions paid in advance.
	13. Members may resolve to transfer property to another union.
	<i>Powers of Public Trustee</i>
	14. Powers of Receiver.
	15. Moneys withdrawn from bank accounts.
	16. Acts and decisions of Public Trustee not to be questioned.
	<i>Miscellaneous</i>
	17. Notices.
	18. Declarations exempted from stamp duty.
	19. Offences and penalties.
	20. Regulations.
	21. Validation of emergency regulations and appointment of Receiver.
	Schedule.

A BILL INTITULED

AN ACT to provide for the distribution of the funds and assets of certain deregistered industrial unions to their members, and for matters incidental thereto. Title.

Preamble.	WHEREAS the Minister of Labour cancelled the registration of the industrial unions of workers specified in the Schedule to this Act by notices in the <i>Gazette</i> under section two of the Industrial Conciliation and Arbitration Amendment Act 1939 on the dates specified in that behalf in the said Schedule: And whereas the Minister of Labour appointed the Public Trustee to be the Receiver of the funds of the said unions and their branches under regulation seven of the Waterfront Strike Emergency Regulations 1951 on the dates specified in that behalf in the Schedule to this Act: And whereas it is expedient that provision should be made in manner hereinafter appearing for the distribution of the funds and assets of the said unions:	5 10
<i>Gazette</i> , 28 February, 27 March, 3 April, 10 April, 1951, Vol. I, pp. 257, 429, 451, 481 1939, No. 2 Serial numbers 1951/24, 1951/94, 1951/100, 1951/165		
Short Title.	BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 1. This Act may be cited as the Union Funds Distribution Act 1951.	15
Interpretation.	2. (1) In this Act, unless the context otherwise requires,— “ Union ” means a union specified in the Schedule to this Act: “ Branch ” means a branch of a union: “ Member ”, in relation to any union or branch of a union, means a person who was a member of the union or branch on the date of the cancellation of the registration of the union; and includes the personal representatives of a deceased member, and the assignee of the estate of a bankrupt member: “ Officer ”, in relation to any union or branch of a union, means a person who was an officer or position holder of the union or branch on the date of the cancellation of the registration of the union: “ Property ” includes real and personal property and any estate or interest in any property real or personal, and any debt or any thing in action, and any other right or interest: “ Public Trustee ” includes any person for the time being authorized to exercise or perform any of the Public Trustee’s powers or functions;	20 25 30 35 40

“ Secretary ”, in relation to any union or branch of a union, means the person who was the secretary of the union or branch on the date of the cancellation of the registration of the union:

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References to the date of the cancellation of the registration of any union or to the date of the appointment of the Receiver of any union or of any branch of a union shall be deemed to be references to the date specified in that behalf in the Schedule to this Act.

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(2) For the purposes of this Act every union and every branch shall be deemed to be a body corporate.

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(3) Where any union has one or more branches and there are members of the union who do not belong to any particular branch, those members shall be deemed to constitute a separate branch in the locality in which they carried on their work, and that separate branch shall be deemed to be a branch of the union for the purposes of this Act.

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3. (1) Membership of any union or branch shall be determined in accordance with the rules and practice of the union or branch.

Membership of unions and branches.

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(2) If any question arises as to whether or not any person is a member of any union or branch it shall be determined by the Public Trustee, and his decision shall be final.

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(3) The secretary of each union or branch, or such other officer of the union or branch as the Public Trustee may in any case nominate, shall within one month after the date of the passing of this Act, or within such further time as the Public Trustee may in any case allow, forward to the Public Trustee a list of the members of the union or branch, certified by the secretary or other officer as correct, and the Public Trustee may accept any such list so certified as sufficient evidence of the membership of the union or branch.

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Vesting of Property in Public Trustee

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4. (1) The Public Trustee shall continue to be the Receiver of every union and of every branch of a union.

Public Trustee to continue to be Receiver.

(2) In his capacity as the Receiver of any union or branch the Public Trustee shall be described by the style of “ The Public Trustee as Receiver of (*Name of union or branch*) ”.

Vesting of
property in
Public Trustee.

5. (1) All the property of any union or of any branch, whether or not it is in the possession of the Public Trustee on the passing of this Act, is hereby declared to be vested in the Public Trustee as Receiver of the union or branch.

(2) For the purposes of this Act, any property of any member or officer of any union or branch shall be deemed to be the property of that union or branch, and to be vested in the Public Trustee accordingly, if it has been the property of the union or branch at any time on or after the date of the appointment of the Receiver of the union or branch. Every transaction in respect of any property to which this subsection applies entered into on or after that date shall be null and void in so far as it is inconsistent with this subsection.

(3) Where any person, whether or not he is a member or an officer of the union or branch, claims to have suffered loss or damage as the result of any transaction being rendered null and void by the *last preceding* subsection, he may within one month after the date of the passing of this Act, or within such further time as the Public Trustee may in any case allow, give notice in writing to the Public Trustee setting out full particulars of the loss or damage claimed to have been suffered. In any such case the Public Trustee may allow to the claimant as compensation for the loss or damage such amount, if any, as the Public Trustee in his absolute discretion thinks fair and proper, having regard to all the circumstances of the transaction, including the legality or illegality of any such circumstances at the time of the transaction. Any amount so allowed shall be deemed to be a debt of the union or branch concerned.

(4) For the purposes of this Act, all property shown as property of the Wellington Drivers' and Related Trades Trade Union in the statement delivered to the Registrar of Friendly Societies on the application for the registration of that trade union under the Trade Unions Act 1908 in the month of April, nineteen hundred and fifty-one, and all other property at any time belonging to or in any way whatsoever subject to the control of that trade union or held on behalf of that trade union or of the members thereof shall be deemed

•See Reprint
of Statutes,
Vol. VIII,
p. 734

to be the property of the Wellington Road Transport and Motor and Horse Drivers' and their Assistants' Industrial Union of Workers, and to be vested in the Public Trustee accordingly.

5 (5) A certificate under the hand and seal of the Public Trustee or of any District Public Trustee to the effect that any property described in the certificate is vested in the Public Trustee as Receiver of any union or of any branch of a union shall be accepted by all
10 Courts, Registrars, officials, companies, corporations, and other persons as sufficient evidence that that property is so vested.

(6) Where the title to any property described in any such certificate is registered in the name of any person
15 or persons holding the property in trust for any union or branch (whether or not the trust is disclosed in the title) then, upon production of the certificate and a request in writing by the Public Trustee or by any District Public Trustee so to do, all Registrars, officials,
20 companies, corporations, and other persons shall register the Public Trustee as the owner of the property in his capacity as Receiver of the union or branch specified in the certificate.

6. (1) Where any personal property of any member
25 of any union or branch of a union or of any other worker is or has been (at any time on or after the date of the appointment of the Receiver of the union) stored in any waiting room, locker room, or other premises formerly occupied by the union or branch or any members thereof,
30 and has not been delivered to the member or worker before the passing of this Act, that property shall be deemed to be vested in the Public Trustee.

Disposal of working clothes and gear, &c.

(2) The Public Trustee shall, on application in that behalf made within one month after the date of the
35 passing of this Act or within such further time as the Public Trustee may in any case allow, deliver any such property to the member of the union or branch or other worker whose property it was, or to any other person appearing to the Public Trustee to be entitled to the
40 property.

(3) If any such property is not delivered to any person under the *last preceding* subsection, the Public Trustee shall sell the property or dispose of it in such other way as he considers reasonable and practicable, whether by way of gift or destruction or otherwise. 5

(4) The proceeds of the sale of any such property shall be deemed to be the property of the union or branch concerned, and to be vested in the Public Trustee accordingly.

Persons holding property of union or branch or indebted to union or branch to notify Public Trustee.

7. (1) Every person having possession or control of any property of any union or branch, or having in his books or accounts or otherwise any moneys to the credit of any union or branch, or being indebted to any union or branch shall forthwith after the passing of this Act give to the Public Trustee or to a District Public Trustee notice in writing of the nature, extent, and situation of that property, credit, or indebtedness. 10 15

(2) Every person who fails to comply in any respect with the provisions of this section commits an offence against this Act. 20

Payment of Liabilities and Expenses

Public Trustee to pay debts.

8. Subject to the provisions of this Act, the Public Trustee shall pay or satisfy out of the property of each union or branch all debts, liabilities, and obligations of the union or branch so far as the law binds and the property of the union or branch in his hands and available for the purpose extends. 25

Expenses of receivership.

9. (1) All costs, charges, and expenses incurred by the Public Trustee, whether before or after the passing of this Act, as Receiver of any union or branch shall be paid out of the property of the union or branch in priority to all other claims. 30

(2) The remuneration of the Public Trustee as Receiver of the unions and branches shall be fixed by the Minister of Finance and shall be paid to the credit of the Profit and Loss Account of the Public Trust Office out of moneys to be appropriated by Parliament. 35

Apportionment of debts and expenses between union and branches.

10. If any question arises as to the incidence of any debt, liability, or obligation, or any costs, charges, or expenses as between any union and any branch or between any two or more branches, it shall be determined by the Public Trustee, and his decision thereon shall be final. 40

Distribution of Property

11. (1) Subject to the payment and satisfaction of the debts, liabilities, and obligations of a union or branch, the Public Trustee shall distribute the property of the union or branch as hereinafter provided.

Property to be distributed equally among members.

(2) Where a union has two or more branches the property of the union which is not the property of any particular branch shall be divided among the branches proportionately according to the number of members of each branch, and all property received by any branch as a result of any such division shall be deemed for the purposes of this Act to be the property of that branch.

(3) Unless a resolution for transfer to another union is passed under section thirteen of this Act, the property of every union that has no branches, and the property of every branch, shall be divided in equal shares among the members of the union or branch, as the case may be, subject to the adjustment of subscriptions paid in advance as hereinafter provided.

12. (1) Where any member of a union or branch of a union had before the date of the cancellation of the registration of the union paid any subscription for any subscription period that did not expire before that date, the amount of that subscription shall be credited to him out of the property of the union or branch before the property is divided among the members as aforesaid, but after the payment and satisfaction of all other debts, liabilities, and obligations of the union or branch.

Adjustment of subscriptions paid in advance.

(2) The secretary of each union or branch of a union shall certify to the Public Trustee whether or not any member or members of the union or branch had paid any such subscriptions and, if so, shall certify such particulars in relation thereto as may be required by the Public Trustee.

(3) The Public Trustee may accept any such certificate as sufficient evidence of the facts stated therein.

13. (1) Where at a meeting of the members of any union that has no branches, or of any branch, specially called for the purpose and held within two months after the date of the passing of this Act or within such further time as the Public Trustee may in any case allow, a resolution is passed by a majority of not less than three-fourths of the members present and entitled to vote, to

Members may resolve to transfer property to another union.

See Reprint
of Statutes,
Vol. III, p. 939

the effect that the property of the union or branch be paid or transferred to any other industrial union of workers registered under the Industrial Conciliation and Arbitration Act 1925 in respect of the same industry and in respect of the same locality or any part thereof as the union or branch concerned, the Public Trustee shall pay or transfer the property accordingly: 5

Provided that if any member of the union or branch who is not a member of the other union applies in that behalf within one month after the date of the passing of the resolution or within such further time as the Public Trustee may in any case allow, the Public Trustee shall pay to that member out of the property the amount to which he would have been entitled if the resolution had not been passed. 10 15

(2) Every meeting under this section shall be called in such manner as may be directed or approved by the Secretary of Labour. An officer of the Department of Labour and Employment appointed in that behalf by the Secretary of Labour shall be present at every such meeting. A certificate by the Chairman of the meeting and that officer to the effect that any resolution has been passed by a specified majority or has not been passed at any such meeting shall be sufficient evidence of the facts stated therein. 20 25

(3) Where the property of a union or branch is paid or transferred to another union under this section, and any member of the union or branch who is also a member of the other union had before the date of the cancellation of the registration of the deregistered union paid any subscription for any subscription period that did not expire before that date, the amount of that subscription shall be paid to him by the other union or credited to him on account of any subscription that may be or become payable by him to the other union. 30 35

Powers of Public Trustee

Powers of
Receiver.

14. The Public Trustee as the Receiver of any union or branch shall have the following powers:—

(a) To take and retain possession of all property, whatsoever and wheresoever situated, of the union or branch, and, in particular, but without limiting the generality of the power conferred by this paragraph, to demand, receive, 40

- and hold all instruments of title to property of the union or branch (whether registered in the name of the union or branch or not) which is or may be in the possession or under the control of any person, whether or not employed by the union or branch, with all related documents, records, and lists of instruments of title:
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- (b) To require any person to deliver to the Public Trustee or as he directs any property, books, accounts, vouchers, records, or documents of the union or branch in the possession or under the control of that person:
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- (c) To require any person to produce any books, accounts, vouchers, records, or documents in the possession or under the control of that person, and allow copies of or extracts from any such books, accounts, vouchers, records, or documents to be made:
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- (d) To require any person to furnish, in a form approved by or acceptable to the Public Trustee, any information or particulars that may be required by the Public Trustee:
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- (e) To inspect, examine, and audit any books, accounts, vouchers, records, or documents:
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- (f) To enter any land, building, or place:
- (g) To demand and receive all moneys payable to the union or branch:
- (h) To sue for and recover all debts due to and other moneys payable to the union or branch, and to sue for and recover any other property to the possession of which the Public Trustee may be entitled as Receiver of the union or branch:
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- (i) To sell or lease any property of the union or branch (whether real or personal) in such manner and on such terms and conditions as he thinks fit:
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- (j) To repair and insure against fire or accident or otherwise any property of the union or branch:
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- (k) To pay all rates, taxes, insurance premiums, and other outgoings payable in respect of the property of the union or branch, or under any policy of insurance of any kind:

- (l) To apply moneys of the union or branch, whether arising from real or personal property and whether income or capital, in or towards the payment of any debts, liabilities, or obligations incurred by the union or branch or incurred by the Public Trustee in the exercise and performance of his powers and duties as Receiver of the union or branch: 5
- (m) To carry out and perform contracts entered into by the union or branch before the date of the cancellation of the registration of the union: 10
- (n) To appoint servants, clerks, and agents on such terms and subject to such conditions as he thinks fit, and at his discretion to dismiss any person appointed by the union or branch or by the Public Trustee: 15
- (o) To consult and employ solicitors, counsel, accountants, valuers, and other persons:
- (p) To appoint an agent to do anything that the Public Trustee is authorized to do as Receiver of the union or branch; to delegate all or any of his powers and functions, either generally or particularly, to any person or class of persons, and to revoke any such delegation: 20
- (q) To bring or defend any action or other legal proceedings in his own corporate name or in the name and on behalf of the union or branch, and to suffer judgment to go by default, or consent to any judgment, decree, or order upon such terms as he thinks fit: 25
- (r) To advertise for claims against the union or branch to be made within a specified period, and after that period to distribute the property of the union or branch without regard to any claim of which he then has no notice, with power in his absolute discretion to admit claims made thereafter, upon such terms as he thinks fit, and, in particular, so that any prior distribution of any property of the union or branch is not disturbed unless the Public Trustee so determines: 30 35 40

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- 5 (s) To require any claimant to furnish by statutory declaration or otherwise such evidence as the Public Trustee requires in support of any claim; and require any claimant to appear before the Public Trustee or any officer or agent of the Public Trustee for the purpose of being examined in respect of any claim:
- 10 (t) To give notice in writing to any claimant that any claim is rejected, and will be irrecoverable unless legal proceedings for the enforcement of the claim are commenced, and service effected on the Public Trustee, within one month after the giving of the notice; and, if proceedings are not so commenced and served, to distribute the property of the union or branch without regard to the claim:
- 15 (u) To admit, compromise, or submit to arbitration, any claim on any debt, liability, or obligation of the union or branch on such terms as he thinks fit and on such evidence as he deems sufficient, whether or not the claim is legally enforceable, and whether it arose before or after the date of the cancellation of the registration of the union:
- 20 (v) To compromise, submit to arbitration, or abandon any claim made by the Public Trustee as Receiver of the union or branch:
- 25 (w) To surrender, transfer, or otherwise dispose of, with or without consideration, any onerous property of the union or branch:
- 30 (x) To appropriate in kind to any branch of a union any property of the union, and for the purposes of any such appropriation to fix the value of the property in such manner as he thinks fit:
- 35 (y) To execute on behalf of the union or branch any instrument or document whatsoever so as to be valid and binding in all respects:
- 40 (z) To do all such other things as may be necessary or expedient for the effective performance of his powers and duties under this Act.

Moneys
withdrawn
from bank
accounts.

15. Without limiting the powers of the Public Trustee under this Act, it is hereby declared that he shall not be obliged to require any person to account for or pay any moneys withdrawn from any bank account of any union or branch on or after the twenty-second day of February, nineteen hundred and fifty-one, if the Public Trustee is satisfied, on such evidence or information as he deems sufficient, that those moneys have been expended before the passing of this Act for the general purposes of the union or branch or generally for the benefit of members of the union or branch.

Acts and
decisions of
Public
Trustee not to
be questioned.

16. No act, determination, or decision done or made by the Public Trustee as Receiver of any union or branch, whether before or after the passing of this Act, shall be appealed against, challenged, reviewed, quashed, or called in question in any Court.

Miscellaneous

Notices.

17. (1) Subject to the provisions of this Act, a notice under this Act may be given by the Public Trustee to any person either by delivering it to him personally or by posting it by registered letter addressed to that person at his last known place of abode or business. A notice so posted shall be deemed to have been given at the time when the registered letter would in the ordinary course of post be delivered.

(2) Any such notice shall be sufficiently executed if it is signed by any officer of the Public Trust Office or other person acting or purporting to act on behalf of the Public Trustee.

Declarations
exempted from
stamp duty.
See Reprint
of Statutes,
Vol. VII,
p. 448

18. No stamp duty under the Stamp Duties Act 1923 shall be chargeable in respect of any statutory declaration made for the purposes of this Act.

Offences and
penalties.

19. (1) Every person commits an offence against this Act who—
(a) Acts in contravention of or fails to comply in any respect with any provision of this Act or any requirement under this Act:

- (b) Resists, obstructs, deceives, or attempts to deceive the Public Trustee or any other person who is exercising or attempting to exercise any power or function under this Act:
- 5 (c) Makes any false or misleading statement or any material omission in any information or particulars furnished to the Public Trustee or any other person under or for the purposes of this Act.

10 (2) Every person who commits an offence against this Act shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both.

15 **20.** 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 or for the due administration thereof. Regulations.

20 **21.** The Waterfront Strike Emergency Regulations 1951 and the amendments thereof, and the appointments of the Public Trustee as Receiver of the funds of the unions and their branches on the dates specified in that behalf in the Schedule to this Act shall for all purposes be deemed to have been made with full power and authority and to have been valid and of full effect from the making thereof until the passing of this Act, notwithstanding the revocation of the said regulations, and, subject to the provisions of this Act, the powers, rights, duties, and liabilities of all persons in respect of all things done or suffered before the passing of this Act shall be determined accordingly. Validation of emergency regulations and appointment of Receiver.
Serial numbers
1951/24,
1951/76,
1951/94,
1951/100,
1951/162,
1951/165

SCHEDULE
DEREGISTERED UNIONS

Schedule.

Name of Union.	Date of Cancellation of Registration.	Date of Appointment of Receiver.
The New Zealand Waterside Workers' Industrial Union of Workers	28 February 1951	1 March 1951
The Wellington, Nelson, Marlborough, and Taranaki Freezing Works, Abattoir, and Related Trades Employees' Industrial Union of Workers	27 March 1951	23 April 1951
The Golden Bay Cement Company's Employees' Industrial Union of Workers	3 April 1951	23 April 1951
The Portland Cement Workers' Industrial Union of Workers	3 April 1951	23 April 1951
The Wellington Road Transport and Motor and Horse Drivers' and their Assistants' Industrial Union of Workers	10 April 1951	23 April 1951