

Sport, Fitness, and Leisure Act 1987

Public Act 1987 No 13
Date of assent 16 March 1987

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An Act to promote and develop sport, fitness, and leisure among New Zealanders, to establish the Hillary Commission for Sport, Fitness, and Leisure, and to define the functions and powers of the Commission

The Title and the Long Title were amended, as from 1 July 1992, by section 2(3)(a) and (b) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) respectively, by substituting the words “sport, fitness, and leisure” for the words “recreation and sport” and substituting the words “Sport, Fitness, and Leisure” for the words “Recreation and Sport”.

1 Short Title and commencement

- (1) This Act may be cited as the Sport, Fitness, and Leisure Act 1987.
- (2) This Act shall come into force on the 1st day of April 1987.

The Short Title, subsection (1) was amended, as from 1 July 1992, by section 2 Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “Sport, Fitness and Leisure” for the words “Recreation and Sport”.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). See clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

2 Interpretation

In this Act, unless the context otherwise requires,—

Commission means the Hillary Commission for Sport, Fitness, and Leisure

Fitness means physical wellbeing resulting from participation in sport and leisure activities

Leisure means physical activities or physical pastimes engaged in in New Zealand for the purpose of relaxation or enjoyment; and includes such physical activities or physical pastimes engaged in overseas by New Zealanders

Minister means the Minister for Sport, Fitness, and Leisure

New Zealander means a New Zealand citizen; and includes any person resident in New Zealand, whether or not the person is a New Zealand citizen

Sport means sport played, formally and informally, in New Zealand; and includes the participation by New Zealanders in sport overseas.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Section 2 was substituted, as from 1 July 1992, by section 3 Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18).

Hillary Commission for Sport, Fitness And Leisure

This heading was impliedly amended from the previous heading “Hillary Commission for Recreation and Sport” pursuant to the change in name of this Act by 1992 No 18.

3 Hillary Commission for Sport, Fitness, and Leisure

- (1) There is hereby established a Commission to be called the Hillary Commission for Sport, Fitness, and Leisure.
- (2) The Commission shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, and of suing and being sued, and of doing and suffering all other things that bodies corporate may lawfully do and suffer.
- (3) The Commission shall be a Crown agency for the purposes of the Public Finance Act 1989, and, notwithstanding anything

in section 1(3A) of that Act, Part 5 of that Act shall apply to the Commission as if that Part of the Act had come into force on the commencement of this subsection.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Subsection (1) was amended, as from 1 July 1992, by section 4(1) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “Sport, Fitness, and Leisure” for the words “Recreation and Sport”.

Subsection (3) was inserted, as from 1 July 1992, by section 4(2) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18). *See* section 4(3) of that Act.

4 Membership of Commission

The Commission shall consist of—

- (a) Eight persons to be appointed by the Minister on the basis of having special skills, knowledge, or background appropriate to the functions and powers of the Commission:
- (b) A person to be appointed by the Minister on the nomination of the Minister of Internal Affairs.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Section 4 was substituted, as from 1 July 1992, by section 5(1) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18).

5 Term of office of members

- (1) The members of the Commission shall be appointed for a term not exceeding 3 years, and may from time to time be reappointed.
- (2) Every member of the Commission, unless sooner vacating office under section 6 of this Act, shall continue in office until the member’s successor comes into office.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

6 Extraordinary vacancies

- (1) Any member of the Commission may at any time be removed from office by the Minister for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct,

proved to the satisfaction of the Minister, or may at any time resign by written notice to the Minister.

- (2) When the office of any member of the Commission becomes vacant by death, resignation, or removal from office, the vacancy so created shall as soon as practicable be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which that person's predecessor would have held office if the vacancy had not occurred.
- (3) Any member shall be deemed to have vacated office if the member is absent from 3 consecutive meetings of the Commission without its leave.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Subsection (1) was amended, as from 1 January 2002, by section 70(1) Human Rights Amendment Act 2001 (2001 No 96), by substituting the words "inability to perform the functions of the office" for the word "disability".

7 Presiding member

- (1) One member of the Commission shall from time to time be appointed by the Minister as presiding member of the Commission.
- (2) The presiding member shall be appointed to that office for a period not exceeding 3 years but, subject to subsection (3) of this section, shall continue to hold the office of presiding member until a succeeding presiding member is appointed, and shall be eligible for reappointment.
- (3) If the presiding member ceases to be a member of the Commission, he or she shall cease to hold the office of presiding member.
- (4) When the office of presiding member becomes vacant the vacancy shall be filled as soon as practicable after its occurrence.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

8 Deputy presiding member

- (1) The Commission, at its first meeting after the commencement of this Act and from time to time thereafter, shall appoint one

of its members to be the deputy presiding member of the Commission.

- (2) The deputy presiding member shall be appointed to that office for a period not exceeding one year but, subject to subsection (3) of this section, shall continue to hold the office of deputy presiding member until a succeeding deputy presiding member is appointed, and shall be eligible for reappointment.
- (3) If the deputy presiding member ceases to be a member of the Commission, he or she shall cease to hold the office of deputy presiding member.
- (4) When the office of deputy presiding member becomes vacant the vacancy shall be filled as soon as practicable after its occurrence.
- (5) The deputy presiding member shall perform all the functions and duties and exercise all the powers of the presiding member—
 - (a) With the consent of the presiding member, at any time during the temporary absence of the presiding member:
 - (b) Without that consent, at any time while the presiding member is temporarily incapacitated or prevented by illness or other cause from performing the functions and duties of that office:
 - (c) While there is a vacancy in the office of presiding member.
- (6) No acts done by the deputy presiding member or the temporary presiding member appointed under section 9(2) of this Act acting as the presiding member shall in any proceedings be questioned on the grounds that the occasion for so acting had not arisen or had ceased.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

9 Meetings of Commission

- (1) The presiding member shall preside at all meetings of the Commission at which that person is present.
- (2) In the absence of both the presiding member and the deputy presiding member from any meeting, the members present

shall appoint one of their number to be the presiding member for that meeting.

- (3) Meetings of the Commission shall be held at such times and places as the Commission or the presiding member may from time to time appoint.
- (4) A special meeting of the Commission may at any time be convened by the presiding member, and the presiding member shall call a special meeting, whenever requested to do so in writing by not less than 2 members of the Commission.
- (5) Not less than 7 clear days' notice of every special meeting and of the business to be transacted at the meeting shall be given to each member for the time being in New Zealand, and no business other than that specified in the notice shall be transacted at the meeting.
- (6) At any meeting of the Commission the quorum shall be 5 members.
- (7) Every question before any meeting of the Commission shall be determined by a majority of the votes of the members present and voting on it:
Provided that a resolution signed, or assented to in writing by letter, telegram, telex message, or other method of communication, by every member of the Commission who is for the time being in New Zealand, being together in number not less than half of the membership for the time being of the Commission, shall have the same effect as a resolution duly passed at a meeting of the Commission.
- (8) At any meeting of the Commission the person for the time being acting as presiding member shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.
- (9) Subject to this Act and to the rules of the Commission made under section 20 of this Act, the Commission may regulate its own procedure.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Subsection (6) was substituted, as from 1 July 1992, by section 6 Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18).

10 Committees

- (1) The Commission may from time to time appoint, alter, discharge, and reconstitute committees, consisting of such number of persons as it thinks fit, to carry out and exercise such of the Commission's functions and powers as may be delegated to them under section 19 of this Act, and to advise the Commission on such matters relating to those functions and powers as are referred to them by the Commission.
- (2) A person may be appointed to be a member of any committee under this section whether or not the person is a member of the Commission.
- (3) Subject to this Act, to the rules of the Commission made under section 20 of this Act, and to any directions given by the Commission, every such committee may regulate its own procedure.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

11 Disclosure of interests

- (1) Any member of the Commission or any committee of the Commission who, otherwise than as such a member, is directly or indirectly interested in the exercise or performance of any power or function by the Commission or committee, or who is directly or indirectly interested in any arrangement, agreement, or contract made or entered into, or proposed to be made or entered into, by the Commission or committee, as soon as possible after the relevant facts have come to the member's knowledge, shall disclose the nature of the interest at a meeting of the Commission or committee, as the case may require.
- (2) A disclosure under this section shall be recorded in the minutes of the Commission or committee and, except as otherwise provided by resolution of the Commission or committee, the member—
 - (a) Shall not take part, after the disclosure, in any deliberation or decision of the Commission or committee relating to the exercise or performance of the power or

- function by the Commission or committee or relating to the arrangement, agreement, or contract; and
- (b) Shall be disregarded for the purpose of forming a quorum of the Commission or committee for any deliberation or decision.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

12 Proceedings not affected by certain irregularities

No act or proceeding of the Commission or of any committee of the Commission, or of any person acting as a member of the Commission or of any such committee, shall be invalidated because of a vacancy in the membership of the Commission or committee at the time of the act or proceeding, or because of the subsequent discovery that there was some defect in the appointment of any person so acting, or that that person was incapable of acting as or being a member or had ceased to be a member.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

13 Members of Commission and committees not personally liable

No member of the Commission or of any committee of the Commission shall be personally liable for any act done or default made by the Commission or any committee of the Commission in good faith in the course of its operations.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Functions and powers

14 Functions of Commission

- (1) The principal functions of the Commission shall be to develop and encourage sport, fitness, and leisure.
- (2) In performing those functions the Commission shall have regard to the value of—
- (a) Promoting the fullest use of leisure; and

- (b) Facilitating equal opportunities for participation by all New Zealanders; and
- (c) Encouraging persons to make the most effective use of their abilities and aptitudes; and
- (d) Facilitating the physical, mental, and social wellbeing of New Zealanders, and enhancing their quality of life; and
- (e) Promoting attitudes and behaviour that are conducive to good conduct and fair play among all persons involved in or associated with sport, fitness, and leisure; and
- (f) Promoting community-based and group fitness and leisure activities, and appropriate indigenous and ethnic forms of sport, fitness, and leisure.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Subsection (1) was substituted, as from 1 July 1992, by section 7(1) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18).

Subsection (2)(e) was amended, as from 1 July 1992, by section 7(2) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “fitness and leisure” for the words “and recreation”.

Subsection (2)(f) was amended, as from 1 July 1992, by section 7(3)(a) and (b) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “group fitness and leisure activities” for the words “group recreation”; and substituting the words “, fitness, and leisure” for the words “and recreation”.

15 Associated functions

The associated functions of the Commission shall be—

- (a) To administer, expend, and distribute money made available for the purposes of this Act:
- (b) To advise the Minister on any matters relating to sport, fitness, and leisure.

Section 15(b) was amended, as from 1 July 1992, by section 8(1) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “sport, fitness, and leisure” for the words “recreation and sport”.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

16 Commission to have regard to Government policy

- (1) In the exercise and performance of its powers and functions, the Commission shall have regard to the general policy of the Government in relation to sport, fitness, and leisure, and shall comply with any written direction given to it by the Minister relating to that policy.
- (2) As soon as practicable after giving a direction under subsection (1) of this section, the Minister shall publish a copy of it in the *Gazette* and lay a copy of it before the House of Representatives.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Subsection (1) was amended, as from 1 July 1992, by section 8(1) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “sport, fitness, and leisure” for the words “recreation and sport”.

17 Powers

- (1) The Commission shall have all such powers as may be reasonably necessary to enable it to carry out its functions.
- (2) Without limiting the generality of the powers of the Commission under subsection (1) of this section, it may—
 - (a) Formulate and implement policies to assist and advance sport, fitness, and leisure generally:
 - (b) Make grants or loans, pay subsidies, or provide scholarships or similar benefits to any individual or body (whether corporate or unincorporated) to undertake activities in accord with the functions of the Commission:
 - (c) Initiate, encourage, and facilitate research and development in relation to sport, fitness, and leisure:
 - (d) Collect and disseminate information, and provide advice, on any matters concerning sport, fitness, and leisure:
 - (e) Examine any existing or proposed policies or practices, or other matters, relating to sport, fitness, and leisure and the utilisation of public land for the purposes of sport, fitness, and leisure, and make recommendations thereon to any appropriate person or authority:
 - (f) Advise, co-operate with, or assist Government departments, local authorities, voluntary organisations, or

other bodies or persons on any matters concerned with sport, fitness, and leisure:

- (g) Enter into agreements with any local authority, corporation, society, firm, or person for the management and maintenance of any land, buildings, or thing for the purposes of this Act:
- (h) Acquire, hold, and dispose of any land, buildings, and real or personal property for the purposes of this Act:
- (i) Make such charges for admission to land or buildings vested in it or under its control, or in respect of any activity or service promoted, arranged, or controlled by it, as the Commission thinks fit:
- (j) Act as a trustee or co-trustee of any fund held for any purpose not inconsistent with the purposes of this Act or with any direction given by the Minister under section 16(1) of this Act.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Subsection (2)(a), (c), (d), (e), and (f) were amended, as from 1 July 1992, by section 8(1) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “sport, fitness, and leisure” for the words “recreation and sport”.

Subsection (2)(e) was amended, as from 1 July 1992, by section 8(2) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “the purposes of sport, fitness, and leisure” for the words “recreational purposes”.

18 Limitation of powers

Except for the purpose of specifying conditions under which grants or loans are made or subsidies are paid or scholarships or other benefits are provided under section 17 of this Act, nothing in this Act shall be construed to authorise the Commission in any way to interfere with, or give any directions relating to, the aims, objects, or operations of any sport, fitness, or leisure organisation.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Section 18 was amended, as from 1 July 1992, by section 8(3) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words

“sport, fitness, or leisure organisation” for the words “recreational or sporting organisation”.

19 Delegation of functions and powers

- (1) The Commission may from time to time, in respect of a specified matter or class of matters and subject to such conditions and restrictions as it thinks fit, by writing delegate any of its functions and powers to a committee, member, or officer of the Commission.
- (2) The Commission shall keep at its office a copy of every instrument by which a delegation under subsection (1) of this section is effected, and shall permit any person to inspect that copy.
- (3) Notwithstanding subsection (1) of this section, the Commission shall not delegate the following powers:
 - (a) The power of delegation conferred by that subsection; or
 - (b) Any power to borrow money; or
 - (c) The power to make, alter, or rescind rules conferred by section 20 of this Act; or
 - (d) The power conferred by section 17(2)(j) of this Act to act as a trustee or co-trustee of any fund, except to a committee consisting wholly of members of the Commission.
- (4) Any delegation under this section to a person may be made to—
 - (a) A specified person; or
 - (b) A person of a specified class; or
 - (c) The holder for the time being of a specified office or appointment; or
 - (d) The holders for the time being of offices or appointments of a specified class.
- (5) Subject to any general or special directions given or conditions or restrictions imposed by the Commission, the committee or person to whom any functions and powers are delegated may perform and exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.

- (6) Where the Commission or any delegate of the Commission uses a written document to inform any other person of action taken by a delegate of the Commission, that written document shall—
- (a) State that the action was taken by a delegate of the Commission; and
 - (b) Give the delegate's name and office or the name of the committee which took action pursuant to the delegation, as the case may be; and
 - (c) Inform that other person that a copy of the instrument of delegation may be inspected at the Commission's office.
- (7) Every delegation under this section shall be revocable at will, but any such revocation shall not take effect until it has been communicated to the delegate.
- (8) A delegation under this section shall not prevent the performance or exercise of any function or power by the Commission.
- (9) Until any such delegation is revoked, it shall continue in force according to its tenor notwithstanding any change in the membership of the Commission or of any committee.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

20 Power to make rules

- (1) The Commission may from time to time, by resolution, make, alter, and rescind rules not inconsistent with this Act for all or any of the following purposes:
- (a) Prescribing the procedure to be followed at any meeting of the Commission or of any committee of the Commission:
 - (b) Providing for the custody of its property and the custody and use of its common seal:
 - (c) Prescribing the duties of the officers and employees of the Commission:
 - (d) Providing for such other matters as may be reasonably necessary or expedient for duly performing and exercising its functions and powers.
- (2) Notice of every resolution proposed to be submitted to any meeting for the making, amendment, or revocation of any such

rules shall be given to every member of the Commission for the time being in New Zealand not less than 14 clear days before the day fixed for the meeting.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

21 Officers and employees

- (1) The Commission may from time to time appoint such officers and employees (including acting or temporary or casual officers and employees) as it considers necessary for the effective and efficient carrying out of the functions of the Commission, and, subject to subsection (3) of this section and to any contract of service, may at any time suspend or remove any officer or employee from office or employment.
- (2) The Commission may from time to time pay to its officers and employees, out of its funds, such salaries and allowances as the Commission thinks appropriate, within scales fixed by it after consultation with the State Services Commission.
- (3) The Commission may from time to time determine, after consultation with the State Services Commission, the terms and conditions of service on which officers and employees of the Commission shall be employed.
- (4) The Commission, out of its funds, may subsidise any fund or scheme for the purpose of providing superannuation or retiring allowances for its officers and employees or any of them.
- (5) Notwithstanding anything in this Act, any person who, immediately before becoming an officer or employee of the Commission, is a contributor to the Government Superannuation Fund under Part 2 or Part 2A of the Government Superannuation Fund Act 1956 shall be deemed, for the purposes of that Act, to be employed in the Government service so long as he or she continues to be an officer or employee of the Commission; and that Act shall apply to the person in all respects as if service as such an officer or employee were Government service. For the purposes of the Government Superannuation Fund Act 1956, the controlling authority in relation to any such person shall be the Commission.

- (6) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (5) of this section shall entitle any person to whom that subsection applies to become a contributor to the Government Superannuation Fund after ceasing to be a contributor to that fund.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Subsection (4) was substituted, as from 1 July 1992, by section 2 Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18).

22 Employment of experts

- (1) The Commission may from time to time appoint any person with expert knowledge or other attributes of value to the Commission to carry out any specific activity which will assist the Commission in performing and exercising its functions and powers.
- (2) Any person appointed under subsection (1) of this section shall be appointed on such terms and conditions and shall be paid such remuneration and allowances as the Commission thinks fit.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Financial provisions

23 Funds of Commission

The funds of the Commission shall consist of—

- (a) All money received by the Commission out of money appropriated by Parliament for the purposes of the Commission;
- (b) All money that is paid to the Commission pursuant to the Gaming and Lotteries Act 1977;
- (c) All money lawfully contributed or donated or bequeathed to the Commission or otherwise lawfully payable to the Commission;
- (d) All money received by the Commission by way of fees, rent, or otherwise in respect of any real or personal property vested in or controlled by the Commission or in re-

spect of the performance or exercise of any of the functions or powers of the Commission:

- (e) All money received by the Commission from the sale or other disposal of any of its real or personal property:
- (f) All accumulations of money belonging to the Commission.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

24 Gifts

Any local authority within the meaning of the Local Authorities Loans Act 1956, public body, body corporate, trustee or trustees, unincorporated body of persons, or other person, unless expressly prohibited from doing so by any enactment or by the terms of any trust or endowment, may make to the Commission any gifts of real property, or of money or other personal property; and the Commission may accept any gifts so made.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

25 Payment to and withdrawal from bank accounts

- (1) All money belonging to the Commission, within 7 days after its receipt by the Commission or by an officer or employee of the Commission, shall be paid into the appropriate account at such bank as the Commission from time to time appoints.
- (2) No money shall be paid out of any bank account of the Commission except with the authority, and in accordance with any general or special directions, of the Commission.
- (3) A bank account of the Commission may only be operated on by cheque or other instrument (not being a promissory note or a bill) signed by an officer of the Commission authorised by the Commission to sign cheques or other instruments drawn on that account, and countersigned by a member of the Commission or other person authorised by the Commission to countersign such cheques or other instruments.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

26 Unauthorised expenditure

The Commission, in any financial year, may expend out of its funds for purposes not authorised by this or any other enactment any sum or sums not amounting in total to more than \$2,000.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

27 Borrowing powers

The Commission, with the prior written approval of the Minister of Finance, may borrow money by way of mortgage, debentures, bonds, overdraft, or otherwise, and may mortgage or charge any of its real or personal property, whether present or future, in such manner as it thinks fit.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

28 Loans and endowments

- (1) In the exercise of its power to do any of the things specified in section 17(2)(b) of this Act, the Commission may—
 - (a) Make advances, with or without security, at such rates of interest as it determines or free of interest; and
 - (b) Guarantee, with or without security, advances made by any person to any other person or persons; and
 - (c) Establish any endowments or create any trusts on such terms and conditions, and for such objects within the purposes of this Act, as the Commission thinks fit, and appoint trustees in respect of any such endowments or trusts.
- (2) Any trustees appointed in respect of a trust established under subsection (1) of this section shall keep accounts in such manner as may be directed by the Commission and approved by the Audit Office.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

29 Investment of funds

Subject to the terms of any trust or endowment, any money held by or on behalf of the Commission and available for investment shall be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds:

Provided that, notwithstanding any rule of law or equity to the contrary, the Commission shall not be obliged to convert any property which is the subject of a gift to the Commission and which is not property in which the Commission may properly invest money pursuant to this section.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Section 29 was substituted, as from 1 May 1988, by section 14(1) Trustee Amendment Act 1988 (1988 No 90).

30

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Sections 30 and 31 were repealed, as from 1 July 1992, by section 9 of the Sport, Fitness, and Leisure Amendment Act 1992.

31

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Sections 30 and 31 were repealed, as from 1 July 1992, by section 9 of the Sport, Fitness, and Leisure Amendment Act 1992.

31A Crown entity

The Commission shall be a Crown entity for the purposes of the Public Finance Act 1989.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Section 31A was inserted, as from 21 December 1992, by section 42 Public Finance Amendment Act 1992 (1992 No 142).

32 Annual report

- (1) The Commission shall, as soon as practicable after the end of each financial year, deliver to the Minister a report on its proceedings and operations during that financial year.
- (2) The Minister shall lay a copy of the report before the House of Representatives in accordance with section 44A of the Public Finance Act 1989.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Section 32 was substituted, as from 1 July 1992, by section 10 Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18).

Section 32 was further substituted, as from 19 December 1992, by section 42 Public Finance Amendment Act 1992 (1992 No 142).

33 Fees and travelling allowances

- (1) The Commission and every committee of the Commission are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.
- (2) There may be paid to the members of the Commission and committees of the Commission, out of the Commission's funds, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951; and that Act shall apply accordingly.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Miscellaneous provisions**34 Protection of name**

- (1) No body shall be incorporated or registered, under any enactment or in any other manner,—
 - (a) Under the name **Hillary Commission for Sport, Fitness, and Leisure**; or
 - (b) Under any other name that so resembles the name of the Commission as to be likely to mislead any person.
- (2) No person other than the Commission shall, either alone or with any other person or persons,—

- (a) Trade or carry on business under the name **Hillary Commission for Sport, Fitness, and Leisure**; or
 - (b) Trade or carry on business under any other name, knowing that the name so resembles the name of the Commission as to be likely to mislead any person.
- (3) Any person who contravenes subsection (2) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continued.
- (4) In any criminal proceedings in which a person is charged with having contravened subsection (2) of this section, it shall be a defence to the charge if that person proves that, either alone or with any other person or persons, that person has carried on business continuously under the name to which the charge relates since any date before the 1st day of June 1986.
- (5) Schedule 3 to the Flags, Emblems, and Names Protection Act 1981 is hereby amended by adding the following item:

Sport, Fitness, and Leisure Act 1987: section 34	Hillary Commission for Sport, Fitness, and Leisure.
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This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Subsection (1)(a) was amended, as from 1 July 1992, by section 8(4)(a) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “Sport, Fitness, and Leisure” for the words “Recreation and Sport”.

Subsection (2)(a) was amended, as from 1 July 1992, by section 8(4)(b) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “Sport, Fitness, and Leisure” for the words “Recreation and Sport”.

Subsection (5) was amended, as from 1 July 1992, by section 2(5) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the words “Sport, Fitness, and Leisure” for the words “Recreation and Sport” in the Short Title of the Sport, Fitness, and Leisure Act 1987. Section 4(4) of the 1992 Act substituted, as from 1 July 1992, the reference to the Hillary Commission for Sport, Fitness, and Leisure for a reference to the Hillary Commission for Recreation and Sport.

35 Exemption from taxes, etc

- (1) The Commission shall be exempt from the payment of income tax.

- (2) Section 56A(2) of the Income Tax Act 1976 (as inserted by section 9(1) of the Income Tax Amendment Act (No 2) 1977) is hereby amended by inserting, after paragraph (p), the following paragraph:

“(pa) Hillary Commission for Sport, Fitness, and Leisure”

(3)

(4)

- (5) Section 73(2) of the Estate and Gift Duties Act 1968 is hereby amended by inserting, after paragraph (d), the following paragraph:

“(da) Any gift to the Hillary Commission for Sport, Fitness, and Leisure for the purposes of the Recreation and Sport Act 1987.”

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Subsection (1) was amended, as from 31 March 1992, by section 4(3) Land Tax Abolition Act 1990 (1990 No 92) by omitting the words “land tax and”.

Subsection (2) was amended, as from 1 July 1992, by section 4(4) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the reference to the “Hillary Commission for Sport, Fitness, and Leisure” for a reference to the “Hillary Commission for Recreation and Sport”.

Subsection (3) was repealed, as from 20 May 1999, by section 7 Stamp Duty Abolition Act 1999 (1999 No 61).

Subsection (4) was repealed, as from 24 May 1999, by section 17 Estate Duty Repeal Act 1999 (1999 No 64).

36 State Services Act 1962 amended

[Repealed]

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Section 36 was repealed, as from 1 April 1988, by section 87 State Sector Act 1988 (1988 No 20).

37 Contracts of Commission

Part 2 of Schedule 1 to the Public Bodies Contracts Act 1959 is hereby amended by inserting, in its appropriate alphabetical order, the following item:

Hillary Commission for Sport, Fitness, and Leisure 1987, No 13-The Sport, Fitness, and Leisure Act 1987.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

38 Ombudsmen Act 1975 amended

Part 2 of Schedule 1 to the Ombudsmen Act 1975 is hereby amended by inserting, in its appropriate alphabetical order, the following item:

Hillary Commission for Sport, Fitness, and Leisure

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

39 Films Act 1983 amended

Part 2 of the Schedule to the Films Act 1983 is hereby amended by inserting, in its appropriate alphabetical order, the following item:

Hillary Commission for Sport, Fitness, and Leisure

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Section 39 was amended, as from 1 July 1992, by section 4(4) Sport, Fitness, and Leisure Amendment Act 1992 (1992 No 18) by substituting the reference to the “Hillary Commission for Sport, Fitness, and Leisure” for a reference to the “Hillary Commission for Recreation and Sport”.

40 Repeals, etc

(1) The following enactments are hereby repealed:

- (a) The Recreation and Sport Act 1973:
- (b) So much of Part 2 of Schedule 1 to the Public Bodies Contracts Act 1959 as relates to the New Zealand Council for Recreation and Sport:
- (c) Section 73(2)(i) of the Estate and Gift Duties Act 1968:
- (d) So much of Part 2 of Schedule 1 to the Local Authorities (Members’ Interests) Act 1968 as relates to the New Zealand Council for Recreation and Sport:

- (e) Section 13(1)(cb) and section 14(1)(ha) of the Stamp and Cheque Duties Act 1971:
 - (f) So much of Part 2 of Schedule 1 to the Ombudsmen Act 1975 as relates to the New Zealand Council for Recreation and Sport:
 - (g) So much of Part 2 of the Schedule to the Films Act 1983 as relates to the New Zealand Council for Recreation and Sport.
- (2) The New Zealand Walkways Act 1975 is hereby amended—
- (a) By repealing Section 4(2)(e):
 - (b)
- (3) On the coming into force of this section—
- (a) The funds of the New Zealand Council for Recreation and Sport shall be paid to the Commission:
 - (b) All real and personal property belonging to the New Zealand Council for Recreation and Sport shall become vested in the Commission:
 - (c) All money payable to the New Zealand Council for Recreation and Sport shall become payable to the Commission:
 - (d) All liabilities, contracts, and engagements, and all rights and authorities of any nature whatever, of the New Zealand Council for Recreation and Sport shall become liabilities, contracts, engagements, rights, and authorities of the Commission:
 - (e) All proceedings pending by or against the New Zealand Council for Recreation and Sport may be carried on, completed, and enforced by or against the Commission.

This Act was repealed as from 1 January 2003, by section 63 Sport and Recreation New Zealand Act 2002 (2002 No 38). *See* clause 2 Sport and Recreation New Zealand Act Commencement Order 2002 (SR 2002/376).

Subsection 2(b) was repealed, as from 10 April 1990, by section 32(1)(h) New Zealand Walkways Act 1990 (1990 No 32).