

*Mr Holloway*

## PHYSICAL WELFARE AND RECREATION TRUST

### ANALYSIS

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### A BILL INTITULED

An Act to make provision for the development and promotion of facilities providing for physical welfare and recreation

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

1. **Short Title**—This Act may be cited as the Physical Welfare and Recreation Trust Act 1956.

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

“Member” means a member appointed to the Trust, but does not include a co-opted member:

“Minister” means the Minister of Internal Affairs:

“The Trust” means the Physical Welfare and Recreation Trust:

“Voluntary organisation” means any body of persons, whether incorporated or not, whose object or one of whose principal objects is to promote, encourage, or control physical education, training, sport, or recreation, or any branch thereof, or the physical welfare generally of the people of New Zealand or any section thereof and not formed for private profit. 5

**3. Physical Welfare and Recreation Trust**—(1) There is hereby constituted for the purposes of this Act a Trust to be called the Physical Welfare and Recreation Trust. 10

(2) The Trust 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 doing and suffering all that bodies corporate may do or suffer. 15

(3) The Trust shall consist of—

(a) Two members to be appointed on the nomination of the Olympic and British Empire Games Association:

(b) One member to be appointed on the nomination of the New Zealand Amateur Swimming Association: 20

(c) One member to be appointed on the nomination of the Municipal Association of New Zealand Incorporated:

(d) One member to be appointed on the nomination of the Counties Association of New Zealand Incorporated: 25

(e) One member to be appointed on the nomination of the Young Men’s Christian Association National Council:

(f) One member to be appointed on the nomination of the New Zealand Amateur Athletic Association. 30

(4) The members of the Trust shall be appointed by the Governor-General on the recommendation of the Minister.

(5) The first appointed members of the Trust may be appointed at any time after the passing of this Act, and shall come into office on the date of their appointment or the date of the commencement of this Act, whichever is the later. 35

**4. Co-opted members**—The Trust may from time to time appoint as co-opted members of the Trust any person or persons who in the opinion of the Trust possess expert knowledge of advantage to the Trust in the exercise of its functions. Every co-opted member shall be appointed for such purposes and subject to such conditions and with such voting powers, if any, as the Trust determines. 40

5 **5. Term of office—**(1) The members of the Trust shall be appointed for a term of three years, save that any such member may from time to time be reappointed or may at any time be removed from office by the Minister for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

10 (2) If any member of the Trust dies, resigns, or is removed from office the vacancy so created shall 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 remainder of the term for which his predecessor was appointed.

15 (3) Every member of the Trust shall vacate his office if he is absent from three consecutive meetings of the Trust without the leave of the Trust.

20 (4) Unless he sooner vacates his office otherwise than by the effluxion of time every member of the Trust shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(5) A co-opted member shall hold office at the pleasure of the Trust. A co-opted member may at any time resign his office by writing addressed to the secretary of the Trust.

25 (6) The powers of the Trust shall not be affected by any vacancy in the membership thereof.

**6. Meetings of the Trust—**(1) The first meeting of the Trust shall be held at a time and place to be fixed in that behalf by the Minister.

30 (2) At the first meeting of the Trust held after the appointment of members the Trust shall appoint one of its members to be Chairman. Any person so appointed shall hold office, while he continues to be a member of the Trust, until the appointment of his successor in accordance with this subsection, and may be reappointed.

35 (3) The Chairman shall preside at all meetings of the Trust at which he is present.

40 (4) In the absence of the Chairman from any meeting the members present shall appoint one of their number to be the chairman of that meeting.

(5) Meetings of the Trust shall be held at such times and places as the Trust determines.

(6) A special meeting of the Trust may at any time be convened by the Chairman, and the Chairman shall call a special meeting whenever requested to do so in writing by two members of the Trust:

Provided that not less than seven clear days' notice of every special meeting and of the business to be transacted thereat 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 any such meeting. 5

(7) No business shall be transacted at any meeting of the Trust unless at least a quorum of members is present thereat for the whole time during which the business is transacted. 10

(8) A quorum shall consist of four members of the Trust.

(9) Every question before the Trust shall be determined by a majority of the votes of members present and voting on that question: 15

Provided that a resolution signed by all members of the Trust shall have the same effect as a resolution duly passed at a meeting of the Trust.

(10) The Chairman at any meeting shall have a deliberative vote, and in case of an equality of votes shall also have a casting vote. 20

(11) Subject to the rules of the Trust and to the foregoing provisions of this section the Trust may regulate its own proceedings. 25

**7. Remuneration and expenses of members—**(1) The Trust is hereby declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Trust out of the funds of the Trust fees, salary, or allowances and travelling expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 30

**8. Appointments of officers and servants—**(1) The Trust may from time to time appoint a secretary, a treasurer, and all such other officers and servants as it thinks necessary, and may from time to time remove any of the officers or servants, and may pay such salaries and allowances to the officers and servants respectively as it thinks reasonable. 35

(2) One person may hold two or more offices under the Trust. 40

(3) No member of the Trust shall be capable of holding any such office unless without remuneration.

(4) During the absence from duty of any officer of the Trust by reason of illness, leave of absence, or other cause, 5 his duties and powers may be performed and exercised by an acting officer appointed by resolution of the Trust, and any such appointment may be either general or for some occasion only.

**9. Contract of Trust**—(1) Any contract which if made 10 between private persons must be by deed shall, if made by the Trust, be in writing under the seal of the Trust.

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged there- with shall, if made by the Trust, be either in writing under the 15 seal of the Trust or in writing signed by two members of the Trust on behalf of and by direction of the Trust.

(3) Any contract which if made between private persons may be made orally may be similarly made by or on behalf of the Trust by any member or duly authorised agent of the 20 Trust acting by direction of the Trust, but no oral contract shall be made involving the payment by the Trust of a sum exceeding twenty pounds.

(4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Trust 25 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 Trust or to give effect to a resolution of the Trust.

**10. General functions**—The general functions of the Trust 30 shall be to distribute money received by the Trust pursuant to section *thirteen* of this Act in such manner as the Trust thinks fit for the promotion, advancement, or encouragement of physical welfare and recreation purposes; for the erection, laying out, maintenance, or repair of buildings or places 35 intended to further any of these purposes.

**11. Particular functions of Trust**—The Trust shall from time to time:

(a) Receive applications for monetary assistance from 40 voluntary organisations, or from a municipality or a county, in the provision of physical welfare and recreational facilities.

- (b) Examine and consider any such applications with particular reference to the needs of the community affected and the availability of suitable alternative facilities.
- (c) Make outright grants, or payments by way of subsidy, 5  
to—
- (i) A voluntary organisation or a municipality or a county requiring such assistance in providing (whether as part of wider activities or not), or in aiding the provision of, facilities for physical training, 10  
exercise, sport, and recreation, including, but without prejudice to the generality of the foregoing words, the provision and equipment of gymnasiums, playing fields, swimming baths, bathing places, holiday camps and camping sites, and other build- 15  
ings, premises, and places for physical training, exercise, sport, and recreation, or as centres for the use of clubs, societies, or organisations including in their objects the physical wellbeing and recreation of the people and social activities related thereto. 20
- (ii) Towards the expenses of any municipality or county or voluntary organisation in respect of the training and supply of instructors and leaders.
- (iii) To the funds of any voluntary organisation either in aid of its work as a whole or in aid of any 25  
specific branch of its work:
- Provided that no grant or subsidy shall be paid to any one voluntary organisation, municipality, or county covering any one application of an amount greater than five thousand pounds without the 30  
approval of the Minister.
- (iv) In making any grant or paying any subsidy under the *last preceding* subparagraph, the Trust may attach thereto any such conditions as it thinks fit, including, in the case of a grant to a voluntary 35  
organisation, conditions for securing the continuity of the undertaking assisted.

**12. Rules of the Trust**—The Trust shall by resolution make rules not inconsistent with this Act for all or any of the follow- 40  
ing purposes:

- (a) Regulating the proceedings of the Trust and conduct of its meetings:

- (b) Providing for the custody of the property of the Trust and the custody and use of the common seal:
- (c) Prescribing the duties of its officers and servants:
- 5 (d) Such other purposes as may be deemed necessary or expedient for duly carrying out the work of the Trust.

**13. Financial provisions**—(1) The Gaming Amendment Act 1949 is hereby amended by repealing subsection one of section five c, as inserted by section six of the Gaming  
10 Amendment Act 1950, and substituting the following subsection:

“(1) The Board shall within three months after the end of the financial year of the Board divide into two equal portions any surplus money forming part of the funds of the Board  
15 and not required by it for the purposes of the scheme, and shall apply them as follows:

“(a) The first portion shall be paid to the Physical Welfare and Recreation Trust:

20 “(b) The second portion may from time to time be distributed by the Board among racing clubs in such manner as may be specified in any approved scheme:

Provided that the Board shall not distribute under this section any money forming part of any levy paid to the Board  
25 under section five b of this Act.”

(2) The Gaming Amendment Act 1949 is hereby further amended by inserting in subsection three of section five c, after the words “to any racing club”, the words “or to the Physical Welfare and Recreation Trust”.

30 **14. Investment of funds**—Any money belonging to the Trust that is not immediately required for expenditure by the Trust may be invested in any manner in which Trustees are for the time being authorised to invest trust funds.

35 **15. Money to be banked**—All money belonging to the Trust shall, within seven days after receipt thereof by the Treasurer or other proper officer of the Trust, be paid into a bank account with the Bank of New Zealand.

40 **16. Borrowing powers**—The Trust shall not borrow any money or mortgage or charge any of its property except with the consent in writing of the Minister.

**17. Accounts**—(1) The Trust shall keep full and correct accounts of all money received and expended by it, and the accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts. 5

(2) The Trust shall, as soon as possible after the end of every financial year ending with the 31st day of March, cause the accounts of the Trust for that financial year to be balanced and full and true statements and accounts of all the money received and expended by the Trust during that year and of the assets and liabilities of the Trust at the end of that year to be prepared and submitted to the Audit Office. 10

**18. Annual report**—(1) The Trust shall, not later than the 30th day of June every year, furnish to the Minister a report of its proceedings and operations for the preceding year together with a copy of its accounts for that year certified by the Audit Office. 15

(2) A copy of the report and of the accounts so certified shall be laid before Parliament. 20

**19. Expenses of administration of Act**—All expenses incurred in respect of the administration of this Act shall be paid out of money paid to the Trust by the Totalisator Agency Board under section *thirteen* of this Act.