

RECREATION AND SPORT BILL

EXPLANATORY NOTE

The main purpose of this Bill is to establish the New Zealand Recreation and Sport Commission and to define its functions and powers.

Clause 1 relates to the Short Title and date of commencement. The date of commencement is 1 January 1987.

Clause 2 defines the terms “Commission”, “Minister”, “New Zealander”, “recreation”, and “sport”.

“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.

“Recreation” means activities or pastimes undertaken by individuals or groups of persons for the purpose of relaxation or enjoyment.

“Sport” means sport played in New Zealand; and includes the participation by New Zealanders in sport overseas.

New Zealand Recreation and Sport Commission

Clause 3 establishes the New Zealand Recreation and Sport Commission and declares it to be a body corporate.

Clause 4 sets out the membership of the Commission.

The Commission is to 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 for the Arts from among the appointed members of the Queen Elizabeth the Second Arts Council of New Zealand, to hold office for so long as the appointee remains a member of that Council;
- (c) An officer of the Department of Education to be appointed by the Minister on the nomination of the Minister of Education;
- (d) An officer of the Department of Internal Affairs to be appointed by the Minister on the nomination of the Minister of Internal Affairs.

Clause 5, subclause (1) provides that, subject to *clause 4 (b)*, each member shall be appointed for a term not exceeding 3 years, and may from time to time be reappointed.

Subclause (2) provides that every member, unless sooner vacating office under *clause 6*, is to continue in office until the member's successor comes into office.

Clause 6 provides for extraordinary vacancies.

Clause 7 provides for the appointment of a presiding member to chair meetings of the Commission.

Clause 8 provides for the appointment of a deputy presiding member to act in the absence of the presiding member.

Clause 9 sets out the procedures for meetings of the Commission.

Clause 10 empowers the Commission to appoint committees.

Any person may be appointed to be a member of a committee whether or not the person is a member of the Commission.

Clause 11 regulates the disclosure of interests by members of the Commission and committees of the Commission.

Clause 12 provides that acts and proceedings of the Commission and committees of the Commission are not to be affected by certain irregularities.

Clause 13 provides that members of the Commission and its committees are not to be personally liable for acts or defaults in good faith of the Commission or committees.

Functions and Powers

Clause 14, subclause (1) provides that the principal functions of the Commission are—

- (a) To develop and encourage sport among New Zealanders;
- (b) To develop and encourage recreation in New Zealand.

Subclause (2) provides that in performing those functions the Commission is to 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) Promoting community-based and group recreation, and appropriate indigenous and ethnic forms of sport and recreation.

Clause 15 provides that the associated functions of the Commission are—

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

Clause 16 requires the Commission to have regard to the general policy of the Government in relation to recreation and sport, and to comply with any written direction given to it by the Minister relating to that policy.

As soon as practicable after giving a direction, the Minister must publish a copy of it in the *Gazette* and lay a copy of it before the House of Representatives.

Clause 17 gives the Commission all such powers as may be reasonably necessary to enable it to carry out its functions, and confers on the Commission the specific powers set out in *subclause (2)*.

Clause 18 empowers the Commission to delegate its functions and powers to a committee, member, or officer of the Commission.

Clause 19 empowers the Commission to make, alter, and rescind rules for the purposes set out in the clause.

Clause 20 provides for the Commission to appoint officers and employees, and also makes provision for superannuation and retiring allowances for the Commission's officers and employees.

Clause 21 empowers the Commission to 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.

Financial Provisions

Clause 22 sets out what the funds of the Commission consist of.

Clause 23 authorises 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, to make to the Commission any gifts of real property, or of money or other personal property.

Clause 24 provides for the keeping of bank accounts, and the method of paying money.

Clause 25 provides for unauthorised expenditure by the Commission of up to \$2,000 in any financial year.

Clause 26 empowers the Commission to borrow money with the prior written approval of the Minister of Finance.

Clause 27 enables the Commission to lend money, guarantee loans by other persons, and establish endowments and trusts.

Clause 28 empowers the Commission to invest its funds.

Clause 29 provides that the Commission's financial year is to end with the 31st day of March or such other day in any calendar year as the Commission, with the approval of the Minister, may determine.

Clause 30 provides for the keeping of accounts and the audit of the accounts by the Audit Office.

Clause 31 provides for an annual report and the audited accounts to be laid before the House of Representatives.

Clause 32 provides for the payment of remuneration and travelling allowances and expenses to members of the Commission and committees of the Commission.

Miscellaneous Provisions

Clause 33 prohibits the use of the name of the Commission by any incorporated body or by any person or persons trading or carrying on business.

Clause 34, subclause (1) exempts the Commission from the payment of land tax and income tax.

Subclause (2) declares the purposes of the Commission to be charitable purposes for the purposes of sections 56A and 147 of the Income Tax Act 1976.

Subclauses (3) and (4) provide that stamp duty shall not be payable on any instrument of conveyance or lease to the Commission.

Subclause (5) exempts gifts to the Commission from gift duty.

Clause 35 amends section 31 of the State Services Act 1962 to confer on officers and employees who have been employed by the Commission for an immediately preceding period of not less than 2 years the right to be appointed to any vacancy in the Public Service as if they were officers of the Public Service.

Clause 36 applies the Public Bodies Contracts Act 1959 to contracts of the Commission.

Clause 37 provides that the Commission is to be an organisation to which the Ombudsmen Act 1975 applies. (The Official Information Act 1982 will thus also apply to the Commission).

Clause 38 provides for the Commission to be an organisation to which section 10 of the Films Act 1983 applies.

As a result, films owned, produced, or sponsored by the Commission and relating to its functions will be outside the ambit of the censorship scheme unless brought within that scheme as provided for in section 10 of the Films Act 1983.

Clause 39 repeals the Recreation and Sport Act 1973 and also provides for consequential repeals.

This will have the effect of dissolving the existing Ministry of Recreation and Sport and the New Zealand Council for Recreation and Sport.

On the commencement of the clause—

- (a) The funds of the New Zealand Council for Recreation and Sport are to be paid to the Commission:
 - (b) All real and personal property belonging to the New Zealand Council for Recreation and Sport will become vested in the Commission:
 - (c) All money payable to the New Zealand Council for Recreation and Sport will 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 will 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.
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Hon. Mike Moore

RECREATION AND SPORT

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A BILL INTITULED

An Act to promote and develop recreation and sport among New Zealanders, to establish the New Zealand Recreation and Sport Commission, and to define the functions and powers of the Commission

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 and commencement—(1) This Act may be cited as the Recreation and Sport Act 1986.

(2) This Act shall come into force on the 1st day of January 1987.

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

“Commission” means the New Zealand Recreation and Sport Commission established under **section 3** of this Act: 5

“Minister” means the Minister of Recreation and Sport:

“New Zealander” means a New Zealand citizen; and includes any person resident in New Zealand, 10 whether or not the person is a New Zealand citizen:

“Recreation” means activities or pastimes undertaken by individuals or groups of persons for the purpose of relaxation or enjoyment:

“Sport” means sport played in New Zealand; and includes 15 the participation by New Zealanders in sport overseas.

New Zealand Recreation and Sport Commission

3. New Zealand Recreation and Sport Commission—

(1) There is hereby established a Commission to be called the 20 New Zealand Recreation and Sport Commission.

(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 25 suffering all other things that bodies corporate may lawfully do and suffer.

4. Membership of Commission—The Commission shall consist of—

(a) Eight persons, to be appointed by the Minister on the 30 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 for the Arts from among 35 the appointed members of the Queen Elizabeth the Second Arts Council of New Zealand, to hold office, subject to **section 6** of this Act, for so long as the appointee remains a member of that Council:

(c) An officer of the Department of Education to be 40 appointed by the Minister on the nomination of the Minister of Education:

(d) An officer of the Department of Internal Affairs to be appointed by the Minister on the nomination of the Minister of Internal Affairs.

5. Term of office of members—(1) Subject to **section 4 (b)** of this Act, 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.

6. Extraordinary vacancies—(1) Any member of the Commission may at any time be removed from office by the Minister for disability, 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.

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.

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 1 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. 5

(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. 10

(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— 15

(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: 20

(c) While there is a vacancy in the office of presiding member. 25

(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. 30

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. 35

(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. 40

(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 6, of which at least 4 shall be members appointed under **section 4 (a)** of this Act.

(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 19** of this Act, the Commission may regulate its own procedure.

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 18** 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 19** of this Act, and to any directions given by the Commission, every such committee may regulate its own procedure.

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. 5 10

(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— 15

- (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 20
- (b) Shall be disregarded for the purpose of forming a quorum of the Commission or committee for any deliberation or decision. 25

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. 30 35

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. 40

Functions and Powers

14. Functions of Commission—(1) The principal functions of the Commission shall be—

- (a) To develop and encourage sport among New Zealanders:
- 5 (b) To develop and encourage recreation in New Zealand.

(2) In performing those functions the Commission shall have regard to the value of—

- (a) Promoting the fullest use of leisure; and
- 10 (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) Promoting community-based and group recreation, and appropriate indigenous and ethnic forms of sport
- 15 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:
- 20 (b) To advise the Minister on any matters relating to recreation and sport.

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
25 policy of the Government in relation to recreation and sport, 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
30 it in the *Gazette* and lay a copy of it before the House of Representatives.

17. Powers—(1) The Commission shall have all such powers as may be reasonably necessary to enable it to carry out its functions.

35 (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 recreation and sport generally:
- 40 (b) Make grants or loans, pay subsidies, or provide scholarships or similar benefits to any individual or body (whether corporate or unincorporate) to

- undertake activities in accord with the functions of the Commission:
- (c) Initiate, encourage, and facilitate research and development in relation to recreation and sport: 5
 - (d) Collect and disseminate information, and provide advice, on any matters concerning recreation and sport: 5
 - (e) Examine any existing or proposed policies or practices, or other matters, relating to recreation and sport and the utilisation of public land for recreational purposes, and make recommendations thereon to any appropriate person or authority: 10
 - (f) Advise, co-operate with, or assist Government departments, local authorities, voluntary organisations, or other bodies or persons on any matters concerned with recreation and sport: 15
 - (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: 15
 - (h) Acquire, hold, and dispose of any land, buildings, and real or personal property for the purposes of this Act: 20
 - (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: 25
 - (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. 30

18. 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. 35

(2) 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 40
- (c) The power to make, alter, or rescind rules conferred by **section 19** 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.

(3) Any delegation under this section to a person may be made to—

- 5 (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
- 10 (d) The holders for the time being of offices or appointments of a specified class.

(4) 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
15 and with the same effect as if they had been conferred directly by this Act and not by delegation.

(5) Every committee or person purporting to act pursuant to any delegation under this section shall, in the absence of evidence to the contrary, be presumed to be acting in
20 accordance with the terms of the delegation.

(6) Every delegation under this section shall be revocable at will.

(7) A delegation under this section shall not prevent the performance or exercise of any function or power by the
25 Commission.

(8) 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.

19. Power to make rules—(1) The Commission may from
30 time to time, by resolution, make, alter, and rescind rules not inconsistent with this Act for all or any of the following purposes:

- 35 (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;
- 40 (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. 5

20. 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. 10

(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. 15

(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. 20

(4) The Commission may, for the purpose of providing superannuation or retiring allowances for its officers and employees, subsidise out of its funds any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this section. 25

(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 II or Part IIA 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. 30 35 40

(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
5 ceasing to be a contributor to that fund.

21. 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
10 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.

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Financial Provisions

22. 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
20 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
25 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 respect of the performance or exercise of any of
30 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.

35 **23. 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,
40 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.

24. 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. 5

(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. 10 15

25. 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.

26. 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. 20 25

27. 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 30
- (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, 35 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 40 by the Audit Office.

28. 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 any securities in which trust funds may be invested by trustees
5 in accordance with the Trustee Act 1956 or in accordance with any other statutory authority or in such other manner as the Commission, with the approval of the Minister, may determine:

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

29. Financial year—The financial year of the Commission
15 shall end with the 31st day of March or with such other day in any calendar year as the Commission, with the approval of the Minister, may determine.

30. Accounts—(1) The Commission shall keep full and correct accounts of all money received and expended by it.

20 (2) As soon as practicable after the end of each financial year the Commission shall cause to be prepared and submitted to the Audit Office full and true statements and accounts of all its income and expenditure in that year and of its assets and liabilities at the end of that year.

25 (3) The statements and accounts shall be audited by the Audit Office which, for that purpose, shall have the same powers as it has under the Public Finance Act 1977 in respect of public money and stores and the audit of local authorities' accounts.

30 **31. Annual report**—(1) The Commission shall, as soon as practicable after the end of each financial year, deliver to the Minister a report of its proceedings and operations during that year, together with a copy of its duly audited accounts for that year and the report of the Audit Office on those accounts.

35 (2) A copy of the annual report and of the accounts of the Commission, together with a copy of the report of the Audit Office on the accounts, shall be laid before the House of Representatives as soon as practicable after their receipt by the Minister.

40 **32. 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. 5

Miscellaneous Provisions

33. Protection of name—(1) No body shall be incorporated or registered, under any enactment or in any other manner,— 10

(a) Under the name “New Zealand Recreation and Sport Commission”; or

(b) Under any other name that so resembles the name of the Commission as to be likely to mislead any person. 15

(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 “New Zealand Recreation and Sport Commission”; 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. 20

(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. 25

(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. 30

(5) The Third Schedule to the Flags, Emblems, and Names Protection Act 1981 is hereby amended by adding the following item: 35

“Recreation and Sport Act New Zealand Recreation
1986: **section 33** and Sport Commission”.

34. Exemption from taxes, etc.—(1) The Commission shall be exempt from the payment of land tax and income tax. 40

(2) The purposes of the Commission shall be charitable purposes for the purposes of section 56A of the Income Tax

Act 1976, and the Commission shall be deemed to be an organisation of a kind referred to in subsection (2) of that section for the purposes of section 147 of the Income Tax Act 1976.

5 (3) Section 13 (1) of the Stamp and Cheque Duties Act 1971 is hereby amended by inserting, after paragraph (b), the following paragraph:

10 “(ba) The New Zealand Recreation and Sport Commission for the purposes of the Recreation and Sport Act 1986; or”.

(4) Section 14 (1) of the Stamp and Cheque Duties Act 1971 is hereby amended by inserting, after paragraph (b), the following paragraph:

15 “(ba) The New Zealand Recreation and Sport Commission for the purposes of the Recreation and Sport Act 1986; or”.

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

20 “(da) Any gift to the New Zealand Recreation and Sport Commission for the purposes of the Recreation and Sport Act 1986:”.

35. State Services Act 1962 amended—(1) Section 31 (2) of the State Services Act 1962 is hereby amended by inserting, 25 after paragraph (f), the following paragraph:

“(fa) By the New Zealand Recreation and Sport Commission; or”.

(2) Section 31 (3) of the State Services Act 1962 is hereby amended by inserting, after paragraph (g), the following 30 paragraph:

“(ga) By the New Zealand Recreation and Sport Commission; or”.

36. Contracts of Commission—Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby 35 amended by inserting, in its appropriate alphabetical order, the following item:

“New Zealand Recreation and Sport Commission 1986, No. 00—The Recreation and Sport Act 1986”.

37. Ombudsmen Act 1975 amended—Part II of the First 40 Schedule to the Ombudsmen Act 1975 is hereby amended by

inserting, in its appropriate alphabetical order, the following item:

“The New Zealand Recreation and Sport Commission.”

38. Films Act 1983 amended—Part II of the Schedule to the Films Act 1983 is hereby amended by inserting, in its appropriate alphabetical order, the following item: 5

“The New Zealand Recreation and Sport Commission.”

39. Repeals, etc.—(1) The following enactments are hereby repealed:

- (a) The Recreation and Sport Act 1973: 10
 - (b) So much of Part II of the First Schedule 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 II of the First Schedule to the Local Authorities (Members' Interests) Act 1968 as relates to the New Zealand Council for Recreation and Sport: 15
 - (e) Section 13 (1) (cb) and section 14 (1) (ha) of the Stamp and Cheque Duties Act 1971: 20
 - (f) So much of Part II of the First Schedule to the Ombudsmen Act 1975 as relates to the New Zealand Council for Recreation and Sport:
 - (g) So much of Part II of the Schedule to the Films Act 1983 as relates to the New Zealand Council for Recreation and Sport. 25
- (2) 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: 30
 - (c) All money payable to the New Zealand Council for Recreation and Sport shall become payable to the Commission: 35
 - (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: 40
 - (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.