

New Zealand.



ANALYSIS.

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1925, No. 2.—*Private.*

AN ACT to incorporate the New Zealand Institute of Marine and Power Engineers and its Branches, and to vest certain Real and Personal Property in, and determine the Powers of, the said Institute and its Branches. Title.

[29th September, 1925.]

WHEREAS certain engineers in New Zealand have for a considerable time been members of an association known as the "Australasian Institute of Marine and Power Engineers," having its headquarters at Sydney, in Australia, and local branches in the cities of Auckland and Wellington, in New Zealand: And whereas at the Twelfth Conference of representatives of the said Institute, held at Sydney in the month of September, nineteen hundred and twenty-four, the New Zealand branches of the said Institute were granted complete autonomy, with affiliation to the Australian Institute of Marine and Power Engineers, under the title of "The New Zealand Institute of Marine and Power Engineers": And whereas certain real and personal property is at present held in trust for both the Auckland and Wellington Branches of the said Institute: And whereas from time to time inconvenience is occasioned by the death, resignation, or absence of various of the trustees of such real and personal property: And whereas it is expedient that the said New Zealand Institute and its individual branches should now be incorporated with the powers hereinafter conferred: Preamble.

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

1. This Act may be cited as the Marine and Power Engineers' Institute Incorporation Act, 1925. Short Title.

Interpretation.

2. In this Act, if not inconsistent with the context,—

“Institute” means the New Zealand Institute of Marine and Power Engineers incorporated under this Act:

“Branch” means any group or association of marine and power engineers in New Zealand united together under executive officers and having real or personal property held upon behalf of all the members of such group or association:

“Members” means the persons for the time being on the roll of any branch of the said Institute.

Incorporation of Institute and its branches.

3. The following associations are hereby constituted bodies corporate under the respective names herein set forth, and shall each have perpetual succession and a common seal, with power to purchase, hold, sell, exchange, mortgage, lease, bail, and dispose of real and personal property, and to do and suffer all other things that bodies corporate may lawfully do and suffer:—

(a.) The New Zealand Institute of Marine and Power Engineers:

(b.) The Auckland Branch of the New Zealand Institute of Marine and Power Engineers:

(c.) The Wellington Branch of the New Zealand Institute of Marine and Power Engineers.

Power to incorporate other branches.

4. If any other branch or branches of the Institute is formed in New Zealand the Institute may, by notice published in the *New Zealand Gazette*, declare its recognition and approval of such branch or branches, and the name under which it or they shall be known, and thereafter any such branch shall be a body corporate under the name appearing in such notice, with perpetual succession, a common seal, and the powers set forth in the last preceding section hereof.

Constitution of New Zealand Institute.

5. (1.) The New Zealand Institute shall consist of the Auckland and Wellington Branches and such other branch or branches of the Institute as may from time to time be formed in New Zealand and gazetted as provided by section four hereof, and the members of all such branches shall *ipso facto* be deemed to be members of the Institute.

(2.) The affairs of the Institute shall be managed by a Council, which shall consist of two representatives of each branch of the Institute. Each branch of the Institute at its annual meeting shall elect two persons to be the representatives of that branch upon the Council of the Institute, and shall also elect one deputy representative, who shall be entitled to act upon the Council of the Institute as one of the representatives of such branch in the place and stead of either one of the two elected representatives who for any reason may be unable to attend and act at any meeting of the Council.

(3.) The Council shall at its first meeting to be held in the month of October, nineteen hundred and twenty-five, or any adjournment thereof, frame its own rules providing for the election of a president, vice-president, treasurer, secretary, and such other officers as may from time to time be considered necessary or desirable, and providing also for the term of office, duties, powers, and remuneration (if any) of such officers, and for the election or appointment of their successors on the retirement, death, or removal from office of any of them.

(4.) The Council shall also from time to time frame such rules as may be necessary or desirable for the good government of the Institute and its branches, and the collection and management of its funds, and shall prescribe the manner in which such rules may from time to time be added to, rescinded, varied, or suspended.

6. (1.) The existing constitution and rules of the Auckland and Wellington Branches of the Institute as they exist on the coming into force of this Act, with such amendments, modifications, and additions as may from time to time be made thereto, shall be the constitution and rules of such branches when incorporated.

Constitution of
a branch.

(2.) The said constitution and rules may be amended from time to time by resolution duly passed in such manner as may be prescribed by the said constitution and rules: Provided, however, that no such amendment shall have any force or effect until after the Council of the Institute shall have given written approval thereto.

7. It shall be lawful for the Institute and for any branch thereof from time to time to do all or any of the following things:—

Special powers of
Institute and its
branches.

- (a.) To become a member of or affiliated to any other body organized for industrial, educational, or charitable purposes, provided the objects of such body are not inconsistent with the purposes for which the Institute or its branches exist:
- (b.) To adopt and carry out such methods as may tend to foster fraternal sympathy and diffuse sound practical information among its members, and generally to guard the interests and promote the welfare of its members:
- (c.) To act as attorney or agent for any member who shall sign a request in such form as it may from time to time prescribe, and shall agree to pay the fees (if any) which it shall require for such service:
- (d.) To fix the entrance and annual-membership fees and contributions payable by members, and from time to time to make such levies upon members as may be necessary or desirable, and also from time to time to fix and determine the fines payable by members for breach of its rules, and to provide the time and manner of payment of such fees, contributions, levies, and fines, and the consequences or penalty to ensue in default of such payment (whether by way of fine, exclusion from membership or from any of the privileges thereof, or action in any Court of law), and the terms upon which any person excluded from membership may rejoin the Institute:
- (e.) To enter into any reciprocal arrangement for the transfer of members from the roll of any similar Institute in any part of the world to the roll of this Institute, and *vice versa*, and for the according of the privileges of membership in this Institute to such of the members of any other such Institute as may be temporarily resident in New Zealand:
- (f.) To collect, manage, invest, and dispose of its General Reserve, Insurance, and Benevolent Funds and the contributions thereto, and any other special funds that may subsequently be raised, in such manner as has been customary in the past

or as shall subsequently be decided in accordance with its constitution and rules :

- (g.) For and on behalf of its members to enter into any agreement with any employer or association of employers affecting or regulating the rates of pay, hours, terms, and conditions of employment of such of its members as may then be in or may subsequently enter the service of any such employer, or any employer in such association of employers, and for that or a similar purpose to appear and be represented before any Court of Arbitration, Conciliation Council, or other body taking cognizance of any industrial matter affecting such members, and to submit any question affecting such members to the decision of any such Court, Council, or body, and to agree to be bound by the decision thereof :
- (h.) To raise or borrow moneys for any of its purposes or objects, and to secure or guarantee the payment or repayment of any moneys raised, borrowed, or owing by it, and the performance or discharge of any of its obligations or liabilities, by the giving of a mortgage or mortgages of any property vested in it, or by the issue of debentures, bonds, or other securities based or charged upon the whole or any part of its assets (including after-acquired property), or in such other manner as may be determined upon: Provided that no person advancing moneys to the Institute or a branch thereof shall be concerned to see to the application thereof or to inquire into the necessity or propriety of any such borrowing :
- (i.) Generally to exercise, subject to the provisions of this Act, all powers incidental to a body corporate.

8. (1.) The General Reserve, Insurance, and Benevolent Funds, and all securities for such funds, and also all moneys, documents, books, papers, furniture, chattels, choses-in-action, and all other property, real or personal, held by any person or persons on behalf of the Institute, or either of the branches of the Institute, are hereby vested in the Institute or the branch thereof as now incorporated on behalf of which they have hitherto been and now are held, and shall henceforth be held, invested, and disposed of in accordance with the rules of the Institute or the branch thereof to which the same may belong.

(2.) All persons in whom any of the said real or personal property may be in any manner vested are hereby required and empowered, upon a request in writing under the seal of the Institute or the branch thereof on behalf of which it has been held, to deliver all such property as may be personalty and the deeds or documents of title of all such property as may be realty to the executive officers of the Institute or branch entitled thereto, and to sign such conveyance, transfer, assignment, or other assurance of any such property, and do all such deeds, instruments, acts, and things as the Institute or branch entitled may reasonably require for the purpose of enabling such Institute or branch to deal therewith.

9. From and after the coming into operation of this Act,—

- (a.) All that parcel of land in the Provincial District of Auckland, and being Allotment 60 of Section 32 of the City of Auckland—

Real and personal property vested in the Institute and its branches.

Vesting of real property in Auckland and Wellington.

bounded on the north-west by Rutland Street, 118 links ; on the north-east by Lorne Street (formerly Barrack Street), 50 links ; on the south-east by Lot 59 of the same section, 114 links ; and on the south-west by Lots 24 and 25 of the same section, 80 links : excepting therefrom and thereout that part of said Allotment 60 conveyed by deed of conveyance registered in the Deeds Registry Office at Auckland under No. 85609—shall (subject to any encumbrance affecting the same, but without any assignment or conveyance) vest in and be held by the Auckland Branch of the Institute for the use and purposes of such branch.

- (b.) All that parcel of land, containing ten perches and four-tenths of a perch, being Lot 15 of Block III on deposited plan No. 1447, and being part of Section 537, City of Wellington, and being the whole of the land in certificate of title, Register-book, Volume 138, folio 20, Wellington Registry, shall (subject to any encumbrance affecting the same, but without any assignment or transfer) vest in and be held by the Wellington Branch of the Institute for the use and purposes of such branch.
- (c.) Upon the deposit in the Deeds Registry Office at Auckland of a memorial of this Act under the seal of the Auckland Branch of the Institute, together with such plan as may be required by the Deeds Registration Act, 1908, the Registrar of Deeds at Auckland shall cause the entry of such memorial to be made in the books of the said Deeds Registry Office, and shall number the said memorial and make a note thereon as required by the said Act.
- (d.) Upon the production to the District Land Registrar at Wellington of certificate of title, Register-book, Volume 138, folio 20, together with a request in writing under the seal of the Wellington Branch of the Institute requiring him so to do, such Registrar shall cause the name of the said Wellington Branch to be entered as registered proprietor of the land comprised in the said certificate of title.

10. The Auckland and Wellington Branches of the Institute shall each for itself bear, pay, and discharge all the existing and contingent obligations and liabilities hitherto undertaken by the executive officers or trustees of such branch for and on behalf of the members thereof, and such executive officers and trustees are hereby relieved from all further liability in respect thereof, except as regards any breach of trust that may have been committed by them or any of them before the passing of this Act.

Assumption of trusts by branches and release of existing trustees.