ANALYSIS

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1993, No. 53

An Act to provide for the abolition of the Maori Education Foundation, and the recognition of trustees incorporated as a Board under Part II of the Charitable Trusts Act 1957 to continue its functions

[*25 June 1993*

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Maori Education Foundation (Abolition) Act 1993.

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

"Appointed day" means the day appointed by the order made under section 3 (1) of this Act:

"Foundation" means the body corporate constituted by section 4 (1) of the Foundation Act:

"The Foundation Act" means the Maori Education Foundation Act 1961:

"Successor board" means the trust board recognised by the order made under section 3 (1) of this Act.

3. Recognition of successor to Foundation—(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Education,—

(a) Recognise as the successor to the Foundation any trustees incorporated as a Board under Part II of the Charitable Trusts Act 1957; and

(b) Appoint a day for the purposes of sections 4 to 7 of this Act.

(2) The Minister of Education shall not recommend the making of an order under subsection (1) of this section unless satisfied that the successor board's general purpose is, or includes,—

(a) Promoting and encouraging the better education of Maori; and

(b) Providing financial assistance for that purpose.

Cf. 1961, No. 46, s. 5

4. Assets and liabilities of Foundation to become assets and liabilities of trust board—(1) On the appointed day, the assets and liabilities that the Foundation had immediately before that day shall become assets and liabilities of the successor board.

(2) The successor board shall hold in trust for the purposes of the successor board all property that, immediately before becoming an asset of the successor board under subsection (1) of this section, the Foundation held in trust for the purposes of the Foundation.

(3) Subject to subsection (2) of this section, all property that, immediately before becoming an asset of the successor board under subsection (1) of this section, was held by the Foundation in trust for any purpose shall be held by the successor board in trust for the same purpose.

5. Abolition of Foundation—(1) The Foundation is hereby abolished with effect on the appointed day.

(2) The Board of the Foundation, constituted by section 8 (1) of the Foundation Act, is hereby consequentially abolished, with effect on the appointed day.

(3) Both—

(a) The executive committee (if any) of the Foundation; and

(b) Every special committee of the Foundation,—

established under section 12 (1) of the Foundation Act, are hereby consequentially abolished, with effect on the appointed day.

(4) On and after the appointed day, every reference in any enactment other than this Act to the Foundation shall be read as a reference to the successor board; and, with any necessary modifications, that enactment shall have effect accordingly.

6. Gifts to successor board—(1) Notwithstanding anything to the contrary in Te Ture Whenua Maori Act 1993 or any

other enactment, on or after the appointed day, any Maori (within the meaning of section 4 of that Act) may—

(a) Give to the successor board any Maori freehold land (within the meaning of section 4 of that Act), or any interest (including an equitable interest) in any such land; or

(b) Otherwise dispose of any such land or interest in land to the successor board.

(2) Section 164 of Te Ture Whenua Maori Act 1993 shall, with any necessary modifications, apply to every gift and disposition under subsection (1) of this section.

(3) Unless expressly prohibited by any enactment or instrument of trust from doing so, any person or body, whether incorporated or unincorporated, including a Maori incorporation (within the meaning of section 4 of Te Ture Whenua Maori Act 1993), may make donations or gifts of money to the successor board.

Cf. 1961, No. 46, ss. 16, 20 (4)

7. Repeals—The following enactments are hereby repealed, with effect on the appointed day:

(a) The Maori Education Foundation Act 1961:
(b) The Maori Education Foundation Amendment Act 1962:
(c) The Maori Education Foundation Amendment Act 1963:
(d) The Maori Education Foundation Amendment Act 1965:
(e) The Maori Education Foundation Amendment Act 1970:
(f) The Maori Education Foundation Amendment Act 1975:
(g) The Maori Education Foundation Amendment Act 1977:
(h) The Maori Education Foundation Amendment Act 1992.

This Act is administered in the Ministry of Education