NEW ZEALAND

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AN ACT to make better provision for the administration of certain Maori Trust Boards.

[*20 October 1955*

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

Short Title and commencement.

1. (1) This Act may be cited as the Maori Trust Boards Act 1955.

(2) This Act shall come into force on the first day of January, nineteen hundred and fifty-six.

Interpretation.

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

"Beneficiary" means any person for whose benefit the assets of a Board are administered under this Act:

"Committee" means a Committee appointed by a Board under section twenty of this Act:

"Maori" means a person belonging to the aboriginal race of New Zealand; and includes any descendant of a Maori:

"Maori Trust Board" or "Board" means any Maori Trust Board referred to in Part I of this Act;

and includes any body that is declared by any enactment to be a Maori Trust Board within the meaning of this Act:

"Minister" means the Minister of Maori Affairs.

PART I

Constitution of Maori Trust Boards

Aorangi Maori Trust Board

Aorangi Maori Trust Board. 1950, No. 98

3. (1) The trustees appointed under section sixty-two of the Maori Purposes Act 1950 and in office at the commencement of this Act are hereby constituted a Maori Trust Board to be known as the Aorangi Maori Trust Board.

(2) All the real and personal property held by the trustees upon trusts declared pursuant to the said section sixty-two, of whatsoever nature and wheresoever situate, shall, on the commencement of this Act, without the necessity of any instrument of transfer or other assurance, be transferred to and vest in the Board, which shall administer all such property in accordance with the provisions of this Act.

(3) The beneficiaries of the Board are hereby declared to be the persons determined by the Maori Land Court by an order dated the twenty-first day of August, nineteen hundred and twenty-five, to be entitled to the money referred to in subsection four of the said section sixty-two and the descendants of those persons.

(4) Every trustee appointed as aforesaid in office at the commencement of this Act shall be deemed to have been appointed as a member of the Board for a term expiring on the thirty-first day of July, nineteen hundred and fifty-six.

Arawa Maori Trust Board

Arawa Maori Trust Board. 1922, No. 48

1931, No. 32

4. (1) The body corporate constituted by section twenty-seven of the Maori Land Amendment and Maori Land Claims Adjustment Act 1922 under the name of the Arawa District Trust Board and continued in existence by section fifty-one of the Maori Purposes Act 1931 shall continue to exist and shall henceforth be known as the Arawa Maori Trust Board.

(2) There shall, without further appropriation than this section, be paid out of the Consolidated Fund to the Board on the first day of April in each year, the sum of six thousand pounds.

(3) The beneficiaries of the Board are hereby declared to be the members of the Arawa tribe and their descendants.

Aupouri Maori Trust Board

Aupouri Maori Trust Board. 1953, No. 112

5. (1) The body corporate constituted pursuant to section twenty-one of the Maori Purposes Act 1953, under the name of the Aupouri Trust Board, shall continue to exist and shall henceforth be known as the Aupouri Maori Trust Board.

(2) The beneficiaries of the Board are hereby declared to be the members of the Aupouri tribe and their descendants.

(3) The Maori Trustee shall, from time to time, pay to the Board:

(*a*) The income derived from the investment of the money held by the Maori Trustee, being the proceeds of the sale of certain of the communal businesses and undertakings at Te Kao and elsewhere and referred to in subsection one of section ten of the Maori Purposes Act 1946; and

1946, No. 37

(*b*) The income derived from the lands at Te Kao and elsewhere, described in subsection four of this section, and the income derived from the investment of the purchase money obtained from the sale by the Maori Trustee of the said lands or any part of the said lands.

(4) The lands to which paragraph (*b*) of subsection three of this section relates are particularly described as follows:

(*a*) Two thousand eight hundred and forty acres, more or less, situate in Blocks IV and VIII, Murihwenua Survey District, and known as Parengarenga 5B 1, vested in the Maori Trustee under section eight of the Maori Purposes Act 1943 by an order of the Maori Land Court dated the eleventh day of December, nineteen hundred and forty-seven; and

1943, No. 24

(*b*) One acre three roods and sixteen perches, more or less, being part of Te Kao No. 71, vested in the Maori Trustee under section ten of the Maori Purposes Act 1946 by an order of the Maori Land Court dated the twenty-third day of September, nineteen hundred and fifty-two. 1946, No. 37

(5) The trustees in whom for the time being the land or any part thereof described in subsection six of this section is vested shall, from time to time, pay to the Board the income derived from the said land and the income derived from the investment of the purchase money obtained from the sale by the trustees of the said land or any part of the said land.

(6) The land to which subsection five of this section relates is particularly described as follows:

Eight hundred and sixty-five acres three roods and thirty-two perches, more or less, being Sections 4, 5, 6, 7, and 8, Block XVI, Muriwhenua Survey District, known locally as part of "Wairahi", vested in trustees by an order of the Maori Land Court under section twenty-nine of the Maori Land Act 1931 dated the thirtieth day of April, nineteen hundred and fifty-three. 1931, No. 31

Ngaitahu Maori Trust Board

Ngaitahu Maori Trust Board. 1946, No. 33

6. (1) The body corporate constituted by section four of the Ngaitahu Trust Board Act 1946, under the name of the Ngaitahu Trust Board, shall continue to exist and shall henceforth be known as the Ngaitahu Maori Trust Board.

(2) There shall, without further appropriation than this section, be paid out of the Consolidated Fund to the Board on the first day of April in each year up to and including the year nineteen hundred and seventy-three, the sum of ten thousand pounds.

(3) Except for the purpose of acquiring any land or any interest in land in accordance with the provisions of section twenty-six of this Act, the Board shall not, without the consent of the Minister, expend more than one-third of any money paid to it under subsection two of this section, and shall pay the remaining two-thirds of any such money into an account to be kept by the Board to be known as the Investment Account.

(4) All money paid into the Investment Account shall, unless the Minister otherwise directs, from time to time be invested by the Board in any manner authorized by or under the Trustee Act 1908 or any other Act for the investment of trust funds. Any other money of the Board available for investment may be invested by the Board in the same manner.

See Reprint of Statutes, Vol. VIII, p. 873

(5) Nothing in subsection three or subsection four of this section shall prevent the Board from expending any income derived from the investment of money by the Board.

(6) Any investment made pursuant to subsection four of this section may, with the approval of the Minister, be converted into money for expenditure by the Board on purposes approved by him.

(7) The beneficiaries of the Board are hereby declared to be the persons determined by an order of the Maori Land Court dated the twelfth day of March, nineteen hundred and twenty-five, to be beneficially entitled to any relief that might be granted in respect of claims under a certain deed executed on the twelfth day of June, eighteen hundred and forty-eight, by which the chiefs of the Ngaitahu tribe surrendered to the New Zealand Company certain Maori lands in the South Island; together with the descendants of any such persons, or the successors to any such persons as determined by the Maori Land Court.

(8) The Maori Land Court may, from time to time, ascertain and determine the persons entitled to succeed, for the purposes of this Act, to the rights of any of the Ngaitahu beneficiaries who die or who have died since the twelfth day of March, nineteen hundred and twenty-five.

(9) The persons so entitled to succeed shall in all cases be determined in the same manner as are the persons entitled to succeed on the intestacy of a Maori to his beneficial freehold interests in Maori land as provided in subsection three of section one hundred and sixteen of the Maori Affairs Act 1953.

1953, No. 94

(10) Any succession order made by the Maori Land Court before the commencement of this Act in respect of any of the Ngaitahu beneficiaries shall be deemed to have the same force and effect as if this section had then been in force.

Tainui Maori Trust Board

7. (1) The body corporate constituted by section five of the Waikato-Maniapoto Maori Claims Settlement Act 1946, under the name of the Tainui Maori Trust Board, shall continue to exist under that name. Tainui Maori Trust Board. 1946, No. 19

(2) There shall, without further appropriation than this section, be paid out of the Consolidated Fund to the Board on the first day of April in each year, the sum of five thousand pounds.

(3) In addition to the sum referred to in subsection two of this section there shall, without further appropriation than this section, be paid out of the Consolidated Fund to the Board on the first day of April in each year up to and including the year nineteen hundred and ninety-one, the sum of one thousand pounds.

(4) The beneficiaries of the Board are hereby declared to be the members of the Tainui tribes and their descendants.

(5) For the purposes of this section, the expression "Tainui tribes" means such of the Tainui tribes, or sections of the Tainui tribes, as were the owners according to Maori custom of the lands (being the areas shown blue on the plan lodged in the office of the Chief Surveyor, at Auckland, under Number 15226, red) in the Waikato district which were confiscated by Proclamations and Orders in Council made from time to time in or about the years eighteen hundred and sixty-four and eighteen hundred and sixty-five pursuant to the New Zealand Settlements Act 1863 and certain amendments thereof. 1863, No. 8

Taitokerau Maori Trust Board

8. (1) The body corporate constituted pursuant to section twenty-eight of the Maori Purposes Act 1953, under the name of the Taitokerau Maori Trust Board, shall continue to exist under that name. Taitokerau Maori Trust Board. 1953, No. 112

(2) The beneficiaries of the Board are hereby declared to be the members of the Ngatiwhatua, Ngapuhi, Te Rarawa, Ngatikahu, and Te Aupouri tribes of North Auckland, and their descendants.

Taranaki Maori Trust Board

Taranaki Maori Trust Board.
1931, No. 32

9. (1) The body corporate constituted as a Board of Management under section forty-nine of the Maori Purposes Act 1931 under the name of the Taranaki Maori Trust Board shall continue to exist under that name and shall be a Maori Trust Board.

(2) There shall, without further appropriation than this section, be paid out of the Consolidated Fund to the Board on the first day of April in each year, the sum of five thousand pounds.

(3) The beneficiaries of the Board are hereby declared to be members of the Atiawa, Ngati Tama, Ngati Mutunga, Ngati Maru, Ngati Ruanui, Ngaruahine, Taranaki, and Ngarauru tribes, and their descendants.

Tuwharetoa Maori Trust Board

Tuwharetoa Maori Trust Board.
1926, No. 64

10. (1) The body corporate constituted by section sixteen of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926 under the name of the Tuwharetoa Trust Board and continued in existence by section fifty-five of the Maori Purposes Act 1931 shall continue to exist and shall henceforth be known as the Tuwharetoa Maori Trust Board.

(2) There shall, without further appropriation than this section, be paid out of the Consolidated Fund to the Board on the first day of April in each year, the sum of three thousand pounds.

(3) There shall, from time to time, be paid to the Board:

(*a*) Half the total amount of all fees over and above the sum of three thousand pounds received for licences issued during the preceding financial year for fishing or in respect of boats or vessels in the district constituted under section fourteen of Maori Land Amendment and Maori Land Claims Adjustment Act 1926;

(*b*) Half the amount of the revenue received for camp sites located upon the rights-of-way created under the said section fourteen; and

(*c*) Half the amount of all fines and penalties recovered for breaches or infringements of the Fisheries Act 1908, or of the Harbours Act 1950, or of section fourteen of the Maori Land Amendment and Maori Land Claims Adjustment Act

See Reprint of Statutes, Vol. III, p. 344
1950, No. 34

1926, or of any regulations under any of those Acts, committed within the district constituted under the said section fourteen.

(4) The beneficiaries of the Board are hereby declared to be the members of the Tuwharetoa tribe and their descendants.

Wairoa Maori Trust Board

11. (1) The body corporate constituted pursuant to section twenty-nine of the Maori Purposes Act 1949, under the name of the Wairoa Maori Trust Board, shall continue to exist under that name.

Wairoa Maori Trust Board. 1949, No. 46

(2) The beneficiaries of the Board are hereby declared to be the members of the Ngati Kahungunu tribe residing in the Wairoa County.

(3) The sum of twenty thousand pounds of the Board's funds shall be invested by the Board in any manner authorized by or under the Trustee Act 1908 or any other Act for the investment of trust funds.

See Reprint of Statutes, Vol. VIII, p. 873

(4) Any investment made pursuant to subsection three of this section may, with the approval of the Minister, be converted into money for expenditure by the Board on purposes approved by him.

Whakatohea Maori Trust Board

12. (1) The body corporate constituted pursuant to section twenty-six of the Maori Purposes Act 1949, under the name of the Whakatohea Trust Board, shall continue to exist and shall henceforth be known as the Whakatohea Maori Trust Board.

Whakatohea Maori Trust Board.

(2) The beneficiaries of the Board are hereby declared to be the members of the Whakatohea tribe and their descendants.

PART II

General Provisions Relating to Maori Trust Boards

13. Each Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

Boards to be bodies corporate.

Membership of Boards.

14. (1) Each Board shall consist of such number of members as may be prescribed by regulations under this Act.

(2) The members of each Board shall, from time to time, be appointed by the Governor-General who, subject to the provisions of this Act, shall appoint those members elected by the beneficiaries of the Board in accordance with this Act.

(3) No person shall be appointed as a member of a Board who is—

See Reprint of Statutes, Vol. V, p. 743

(*a*) A person of unsound mind within the meaning of the Mental Health Act 1911; or

(*b*) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired, or is subject to conditions not yet fulfilled; or

(*c*) A person convicted of any offence punishable by imprisonment for a term of six months or longer, unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed upon him.

Term of office of members.

15. (1) The members of each Board in office at the commencement of this Act shall, subject to the provisions of this Act, continue in office for the residue of the term for which they were appointed.

(2) Except as otherwise provided by this or any other Act, every member of a Board shall be appointed for a term of three years, and any member may from time to time be reappointed.

(3) Notwithstanding anything to the contrary in this Act, every member of a Board, unless he sooner vacates his office, shall continue to hold office until his successor comes into office.

Extraordinary vacancies.

16. (1) Any member of a Board may at any time be removed from office by the Governor-General for inefficiency, disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or if the member is convicted of an offence punishable by imprisonment, or may at any time resign his office by writing addressed to the Minister.

(2) If any member dies, or resigns, or is removed from office, his office shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy.

(3) In the case of an extraordinary vacancy the Governor-General may appoint some qualified person to be a member of the Board for the residue of the term for which the vacating member was appointed:

Provided that any member appointed under this subsection shall not be elected in the manner provided in this Act for the filling of vacancies caused by the expiry of the term of office of members.

(4) The powers of a Board shall not be affected by any vacancy in the membership thereof.

Appointment of Chairman and Deputy Chairman.

17. (1) At the first meeting of each Board following the triennial appointment of its members or following the vacation of office by the Chairman, the Board shall appoint from among its members a Chairman, and may, if it thinks fit, appoint from among its members a Deputy Chairman.

(2) Any person appointed as the Chairman or Deputy Chairman of a Board shall hold office, while he continues to be a member of the Board, until the appointment of his successor in accordance with this section, and may be reappointed.

(3) The Deputy Chairman may act for and shall have all the powers of the Chairman during such time as the Chairman, in the opinion of the Board, is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office.

Meetings of Board.

18. (1) The first meeting of any Board constituted after the commencement of this Act shall be held on a day to be appointed in that behalf by the Minister.

(2) Except as provided by subsection one of this section, meetings of each Board shall be held at such times and places as the Board from time to time appoints:

Provided that the first meeting of any Board following the triennial appointment of its members shall be held at such time and place as the Secretary, after consultation with a quorum of the members, appoints, being not later than two months after the date of the appointment of its members as aforesaid.

(3) The Minister or the Chairman may at any time call a special meeting of a Board, and any three members of a Board may at any time by notice in writing request the Chairman to call a special meeting of the Board, and

thereupon the Chairman shall call a special meeting of the Board, to be held not later than one month after the day he received the notice.

(4) At all meetings of a Board a quorum shall consist of half of the number of members, or, where the number of members is not a multiple of two, of half of the next highest number which is a multiple of two.

(5) The Chairman shall preside at all meetings of the Board at which he is present.

(6) If within half an hour after the time for which any meeting of a Board has been appointed, whether by summons or by adjournment, a quorum is not present, the member or members present, or if no member is present, an officer of the Board, may adjourn the meeting to such time and place as is thought fit.

(7) In the absence of the Chairman from any meeting of a Board the Deputy Chairman, if one has been appointed and if he is present, shall preside. In the absence from any meeting of both the Chairman and the Deputy Chairman the members present shall appoint one of their number to preside.

(8) At any meeting of a Board the person presiding shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(9) All questions before a Board shall be decided by a majority of the valid votes recorded thereon.

(10) Subject to the provisions of this Act and of any regulations thereunder, each Board may regulate its procedure in such manner as it thinks fit.

(11) The proceedings and resolutions of each Board shall be recorded in a minute book to be kept for the purpose.

Officers of Board.

19. (1) Each Board may from time to time, subject to the approval of the Minister, appoint a fit and proper person, who may be a member of the Board, to act as Secretary of the Board, and, with the like approval, may at any time remove the Secretary from office.

(2) The Secretary shall have all such powers and duties as the Board from time to time determines, and shall at all times conform to the directions of the Board.

(3) Each Board may, from time to time, appoint such other officers and workmen as it may think necessary or expedient, and may, from time to time, dismiss any such officers and workmen.

(4) All employees of a Board shall be paid such salaries, wages, or allowances as the Board from time to time determines:

Provided that the rate of remuneration of the Secretary shall be fixed only with the prior approval of the Minister.

Committees

Board may appoint Committees.

20. (1) Each Board may from time to time, by resolution, appoint a Committee or Committees, consisting of two or more persons, of whom at least one shall be a member of the Board, and, subject to the provisions of subsection three of this section, may by resolution delegate to any such Committee any of the powers or duties of the Board, except the power of delegation conferred by this section and the powers conferred by section nineteen, section twenty-six, or section twenty-seven of this Act.

(2) Every resolution under subsection one of this section delegating any powers or duties to a Committee shall specify in full the powers or duties so delegated.

(3) No Board shall have power to delegate to any Committee the power to make any loan or grant in excess of twenty-five pounds, nor to incur or authorize expenditure in excess of twenty-five pounds in respect of any one transaction or matter, nor to enter into any contract for an amount in excess of twenty-five pounds.

Amd. 19 No. 8.

(4) Any delegation under this section may be at any time revoked, in whole or in part, by the Board.

Chairman of Committee.

21. The Chairman of a Committee may be appointed and removed by the Board:

Provided that a Committee may at any meeting appoint one of its members to act in the absence of the Chairman from that meeting.

Meetings of Committees.

22. (1) The members of a Committee may meet for the despatch of business and adjourn their meetings as they think fit.

(2) Each Committee shall fix a quorum, which shall be subject to the approval of the Board, and no business shall be transacted at any meeting of a Committee unless a quorum is present.

(3) All proceedings and resolutions of each Committee shall be recorded in a minute book to be kept for the purpose, and, as soon as practicable after the conclusion

of each meeting, a copy of the minutes of that meeting shall be forwarded to the Secretary of the Board by which the Committee was appointed.

(4) All questions before a Committee shall be decided by a majority of the votes recorded thereon.

(5) At any meeting of a Committee the person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

Committee to be subject to control of Board.

23. Each Committee shall be subject in all things to the control of the Board by which it was appointed, and shall carry out all directions of the Board given in relation to the Committee or its affairs.

Functions and Powers of Boards

Functions of Board.

24. (1) The functions of each Board shall be to administer its assets in accordance with the provisions of this Act for the general benefit of its beneficiaries, and, for that purpose, a Board may, in its discretion, provide money for the benefit or advancement in life of any specific beneficiary, or of any class or classes of beneficiaries.

(2) Without limiting the general provisions hereinbefore contained, it is hereby declared that each Board may, from time to time, subject to the provisions of this Act, apply money towards all or any of the following purposes:

(*a*) The promotion of health:

(i) By installing or making grants or loans towards the cost of installing water supplies, sanitation works, and drainage in Maori settlements;

(ii) By promoting, carrying out, or subsidizing housing schemes, or by making grants or loans for any such schemes; or

(iii) By providing, subsidizing, or making grants for medical, nursing, or dental services:

(*b*) The promotion of social and economic welfare:

(i) By making grants or loans for the relief of indigence or distress;

(ii) By developing, subsidizing, or making grants or loans for farming or other industries;

(iii) By making grants or loans towards the cost of the construction, establishment, management, maintenance, repair, or improvement of Maori meeting houses, halls, churches and church halls, villages, maraes, or cemeteries;

(iv) By establishing, maintaining, and equipping hostels for the purpose of providing either permanent or temporary accommodation;

(v) By making grants or loans towards the establishment of recreational centres for the common use of any Maori community and for such other uses as the Board thinks fit; or

(vi) By promoting, carrying out, or subsidizing roading schemes, power schemes, or such other schemes as the Board thinks fit, or by making grants or loans for any such schemes;

(*c*) The promotion of education and vocational training:

(i) By assisting in the establishment of schools, and in the equipping, managing, and conducting of schools; by making grants of money, equipment, or material to schools or other educational or training institutions; or by making grants to funds established or bodies formed for the promotion of the education of Maoris or for assisting Maoris to obtain training or practical experience necessary or desirable for any trade or occupation;

(ii) By providing scholarships, exhibitions, bursaries, or other methods of enabling individuals to secure the benefits of education or training, or by making grants to Education Boards or other educational bodies for scholarships, exhibitions, or bursaries;

(iii) By providing books, clothing, or other equipment for the holders of scholarships or other individuals, or by making grants for any such purpose; or by making grants generally for the purpose of assisting the parents or guardians of children to provide for their education or training for any employment or occupation;

(iv) By providing, maintaining, or contributing towards the cost of residential accommodation for children in relation to their education or training; or

(v) By the promotion of schemes to encourage the practice of Maori arts and crafts, the study of Maori lore and history, and the speaking of the Maori language;

(*d*) Such other or additional purposes as the Board from time to time determines.

(3) Nothing in this section shall be deemed to preclude any Board from applying money for the general benefit of a group or class of persons, notwithstanding that the group or class of persons includes persons other than beneficiaries; but no grant or loan shall be made to any individual for his exclusive benefit unless he is a beneficiary.

Loans by Board.

25. In any case where a Board grants a loan to any person, it shall take such security and fix such terms and conditions in respect of the loan, and for the repayment of the principal sum and for the payment of interest thereon, as the Board decides at the time of the granting of the loan.

Power to acquire lands and to farm.

26. (1) Each Board, with the prior consent of the Minister, may acquire any land or any interest in land, whether by way of purchase, lease, or otherwise, and, with the same prior consent, may sell, lease, sublease, or otherwise dispose of any such land or interest.

(2) Each Board may:

(*a*) Occupy and manage any land acquired under this section for farming, reclamation, or other purposes, or may permit any person to occupy any such land, whether for the purpose of farming or reclamation or for any other purpose:

(*b*) Make any such land available for common use by Maoris for any purpose, or use it for the physical, social, moral, or pecuniary benefit of Maoris or for any purpose having for its object the benefit, betterment, or welfare of Maoris or the promotion of any tribal or communal object.

(3) For the purpose of farming any land acquired under this section, each Board may, from time to time, purchase or otherwise acquire such stock, implements, and chattels as it deems necessary; and may sell or otherwise

dispose of all or any stock, crops, produce, or chattels grown or held in the course of farming; and for the purpose of any such farming business may, from time to time, raise such money as it deems necessary on the security of any of its stock, crops, produce, or chattels.

Power to borrow money and guarantee loans.

27. With the prior consent in writing of the Minister and for any of the purposes of this Act, each Board may, from time to time,—

(*a*) Borrow money from any bank, person, or body corporate on the security of a mortgage of or charge upon any lands vested in the Board, or a charge upon any money payable to the Board:

(*b*) Guarantee to Her Majesty the Queen or to any other person or body corporate the repayment of any principal sum or interest thereon by any person.

Accounts

Bank accounts.

28. (1) Subject to any express provisions in this or any other enactment, all money belonging to each Board shall, within fourteen days of receipt, be paid into an account at such bank as may from time to time be approved by the Minister, to be called "The [*Name of Board*] Maori Trust Board Account".

(2) No money shall be withdrawn from a Maori Trust Board Account except with the authority of the Board and by cheque signed by two members or by one member and the Secretary:

Provided that nothing in this section shall be construed to limit the exercise by the Minister of the powers conferred on him by section twenty-nine of this Act as to the appointment of countersigning officers.

Minister may authorize countersigning officer.

29. (1) The Minister may at any time authorize in respect of any Board, an officer of the Public Service to countersign cheques drawn on the bank account of the Board, and in any such case the Minister shall give notice in writing of the authorization to the bank at which the account is kept.

(2) Upon receipt by the bank concerned of a notice under subsection one of this section of the authorization of a countersigning officer in respect of a Board, no money shall be paid out of the Board account except by cheques countersigned by the person so authorized.

(3) Where it appears to the Minister that there is some irregularity in the administration of the affairs of a Board, he may direct any countersigning officer authorized in respect of the Board not to countersign any cheque or class of cheques until further notice.

(4) Any such direction shall be binding on the countersigning officer until modified or revoked by the Minister who shall revoke the direction when the irregularity is remedied or explained to his satisfaction.

Books of account.

30. (1) Each Board shall cause full and accurate accounts to be kept of all money received and paid by it.

(2) Any member or any duly authorized officer of a Board, or any person duly authorized in that behalf by the Minister, or any beneficiary, may at all reasonable times inspect the books of the Board and take copies of or extracts from them free of charge.

Yearly statements of account, and report.

31. (1) At the close of each year ending on the thirty-first day of March, each Board shall cause to be prepared and sent to the Audit Office a balance sheet showing the assets and liabilities of the Board, an account of its income and expenditure, and a statement of receipts and payments, together with such other statements of account as may be necessary to show fully the financial position of the Board and its financial operations during that year.

(2) The balance sheet, accounts, and statements 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 public stores and the audit of local authorities' accounts.

1953, No. 73

(3) The balance sheet, accounts, and statements, when certified shall be transmitted by the Audit Office to the Minister and the Minister shall forward them, with such comments as he thinks necessary, to the Board.

Statement of estimated receipts, and of proposed payments of Board to be furnished to Minister.

32. (1) Each Board shall, in the month of April in each year, or as soon as practicable thereafter, furnish to the Minister, for his consideration and approval, a statement showing, in such detailed form as the Minister may require, the estimated receipts and the proposed payments of the Board for the year ending on the thirty-first day of March next following. Every such statement shall be accompanied by a copy of the balance sheet, accounts,

and statements prepared pursuant to section thirty-one of this Act.

(2) The Minister may approve the statement, or may require the statement to be amended, or may defer approval pending an explanation to his satisfaction in respect of any item or items in the statement or in the balance sheet, accounts, or statements accompanying the statement. Approval of the statement shall not be deferred beyond a period of three months after the date of its submission unless the Minister exercises within that period the powers conferred on him by section thirty-three of this Act.

(3) No Board shall, without the prior approval of the Minister, pay in respect of any matter or for any purpose, any sum in excess of one hundred pounds, unless the payment is provided for in a statement submitted and approved in accordance with this section, and no Board shall, in any year, without the same prior approval, make aggregate payments exceeding by more than ten per cent the aggregate of payments provided for in the statement submitted and approved as aforesaid in respect of that year.

Miscellaneous

Minister may direct investigation of Board's affairs.

33. (1) The Minister may at any time direct the investigation of the affairs of any Board by some person appointed by him in that behalf. Any investigation so directed may extend generally over the affairs of the Board or may be confined to a particular matter or transaction.

(2) Pending the completion of any investigation under this section, the Minister may, in his absolute discretion, give notice to the Board of the suspension of payments from the Public Account to the Board during such period as may be specified in the notice.

(3) Any notice under subsection two of this section may at any time be revoked by a subsequent notice.

(4) Any notice under this section shall be served on the Secretary of the Board, and a copy of the notice shall be served on the Secretary to the Treasury.

(5) While any notice under subsection two of this section remains in force, no payment to the Board authorized by this Act shall be made from the Public Account.

(6) Where an investigation of the affairs of a Board has been directed by the Minister under this section, the Board, and its members, servants, officers, and agents, shall supply to the person appointed to conduct the investigation all such information as may be required by him for the purpose of the investigation, and shall make available for his inspection all accounts, books, and other documents and records of the Board.

(7) The person conducting the investigation shall, on its completion, report to the Minister who may, as in his opinion the circumstances require, do all or any of the following things, that is to say:

(*a*) Recommend the removal from office of any member or members of the Board under section sixteen of this Act:

(*b*) Require the Board to terminate the employment or appointment of any of its servants or officers:

(*c*) Require the Board to exercise any power or do any act which it may lawfully exercise or do.

(8) If within one month after the receipt by the Board of a requisition in writing by the Minister under paragraph (*b*) or paragraph (*c*) of subsection seven of this section, the Board fails or neglects to comply with the requisition, or, having commenced any action required, at any time thereafter fails or neglects to complete the action to the satisfaction of the Minister, the Minister may, by writing under his hand, authorize some officer of the Public Service to take action in the name of the Board to fulfil the requisition.

(9) Every act done pursuant to an authority given by the Minister under subsection eight of this section shall have the same force and effect as if it had been done by the Board concerned, and every instrument of alienation executed pursuant to any such authority shall have the same force and effect and may be registered in the same manner as if it had been lawfully executed by the Board.

(10) Where during any investigation directed under subsection one of this section, a Board or any of its members, servants, officers, or agents fails or neglects to comply with the requirements of subsection six of this section, the Minister shall have and may exercise the powers conferred on him by subsections seven and eight of this

section, notwithstanding that the investigation is not completed and that no report thereon has been delivered to the Minister.

34. (1) The seal of each Board shall be such as is determined by the Board and approved by the Minister and shall be kept in the custody of the Chairman or of such officer of the Board as it may appoint for the purpose. Seals.

(2) The seal of a Board shall not be affixed to any instrument except pursuant to a resolution of the Board and in the presence of the Secretary and two members; and those witnesses shall sign every instrument to which the seal of the Board is affixed in their presence.

35. No beneficiary shall acquire or be deemed ever to have acquired any interest, whether vested or contingent, or legal or equitable, in the assets of the Board of which he is a beneficiary. Beneficiaries not to acquire vested interest.

36. (1) Any contract which, if made between private persons, must be by deed shall, if made by a Board, be in writing under the seal of the Board. Contracts of Board.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by a Board, be in writing signed by two members and the Secretary of the Board on behalf of or by direction of the Board.

(3) Any contract which, if made between private persons, may be made orally may be similarly made by or on behalf of a Board by any member or the Secretary, acting by direction of the Board, but no oral contract shall be made for any sum exceeding ten pounds.

(4) Notwithstanding anything to the contrary in the foregoing provisions of this section, no contract made by or on behalf of a Board shall be invalid by reason only that it was not made in manner provided by this section, if it was made pursuant to a resolution of the Board.

37. (1) No member of a Board shall be personally liable for any act or default done or made by the Board or by any member thereof in good faith in the course of the operations of the Board. Members of Board not personally liable, and not debarred from benefits.

(2) Notwithstanding any rule of law or equity to the contrary, no member of a Board shall be debarred by virtue of his membership from receiving any benefit from the Board's funds:

Provided that no money shall be applied by a Board, whether by way of grant or loan or in any other manner, for the exclusive benefit of any member, without the prior written approval of the Minister:

Provided also that no member of a Board shall take part in any discussion or vote on any resolution of the Board concerning the application of any such money for his exclusive benefit.

Mortgages to Boards. 1953, No. 94

38. Notwithstanding anything to the contrary in the Maori Affairs Act 1953, no mortgage or charge of Maori land in favour of a Board shall require confirmation under Part XIX of that Act.

Assignment of rents to Boards.

39. Nothing in the Maori Affairs Act 1953 shall prevent the alienation, assignment, mortgage, charge, or other disposition by a Maori in favour of a Board (whether by way of anticipation or otherwise) of any rent, purchase money, or compensation or other money which is, or may become, receivable in respect of any interest, legal or equitable, in any Maori reserve or other Maori land, or in respect of any alienation thereof.

Change of name not to affect rights or obligations.

40. (1) The changing by this Act of the name of any body corporate shall not affect any rights or obligations of the body corporate or render defective any legal proceedings by or against the body corporate and any legal proceedings that might have been continued or commenced by or against it under its former name may be continued or commenced by or against it under its new name.

(2) Where the property of any body corporate of which the name is changed by this Act consists of land or any interest in land, or of any mortgage or encumbrance of land, any security over stock or chattels, any lien, bonds, stocks, shares, debentures, or any like security, it shall be the duty of every Registrar of Deeds, District Land Registrar, Registrar of the Supreme Court, or other person charged with the duty of keeping any register, on the application of the body corporate concerned, and without the payment of any fee, to amend the appropriate register or registers so as to show the new name of the body corporate.

Fees and travelling allowances. 1951, No. 79

41. (1) Each Maori Trust Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) Each Board may pay to its members remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951 and the provisions of that Act shall apply accordingly. 1951, No. 79

Amd. 19 No. 8.

PART III

Elections

Roll of Beneficiaries

Boards to have rolls prepared.

42. (1) Each Board shall cause to be prepared a roll containing the names and addresses of all adult beneficiaries of the Board, and shall, from time to time, make all such additions and corrections to the roll as may be necessary.

(2) Where pursuant to this Act beneficiaries of a Board are divided into different sections or divisions for the purpose of elections, the roll shall also show the section or division to which each beneficiary belongs.

(3) Pending the completion of the preparation of a roll in accordance with this section, any Board may, with the approval of the Minister, use for the purposes of a roll the appropriate Parliamentary roll of electors for the last preceding general election, altered in such manner as may be necessary.

Inclusion in roll onus of beneficiaries.

43. It shall be the responsibility of each adult beneficiary to ensure that his name is included in the roll and to supply to the Board his full postal address for the time being.

Initial preparation.

44. The initial preparation of the roll of beneficiaries shall be carried out in each case in a manner approved by the Minister in that behalf.

Inclusion in roll.

45. Each Board shall have jurisdiction to determine whether any person applying for inclusion in its roll of beneficiaries is qualified for inclusion, and to determine (where applicable) the section or division of beneficiaries in which he is entitled to be included.

Nomination of Members

Invitation of nominations.

46. (1) Not later than four months before the date on which the term of office of the members of a Board for the time being in office expires, the Secretary of the Board shall cause public notice to be given to beneficiaries of the Board of the fact that nominations are called for election

to membership of the Board for the ensuing term, the method of lodging nominations, and the latest date, as fixed by section forty-seven of this Act, by which nominations must be lodged with the Secretary of the Board.

(2) Any such public notice shall be given in the following manner:

(*a*) By newspaper advertisement published on at least two consecutive days in a daily newspaper or newspapers circulating in the district or districts where the majority of the beneficiaries reside or in such daily newspapers as may be prescribed, in the case of any particular Board, by regulations under this Act;

(*b*) By notice in writing addressed to all Tribal Executives and Tribal Committees constituted under the Maori Social and Economic Advancement Act 1945 in the district or districts where the majority of the beneficiaries reside or in such districts as may be prescribed, in the case of any particular Board, by regulations under this Act; and

1945, No. 43

(*c*) By such other means as the Board may determine.

(3) Any such public notice shall also invite applications from qualified persons for inclusion of their names in the roll of beneficiaries, and shall set out the date upon which the roll closes for the election, being the same date as that fixed as the latest date for the lodging of nominations under section forty-seven of this Act.

Making of nominations.

47. (1) The nomination of a candidate for election to membership of a Board shall be in writing signed by not less than five beneficiaries shown in the roll of beneficiaries as entitled to vote in respect of the election of that candidate.

(2) The consent of each candidate to his nomination shall be endorsed on the nomination paper.

(3) Nominations shall be lodged with the Secretary of the Board not later than three months before the day on which the term of office of the members for the time being in office expires.

(4) Where the members of a Board are elected to represent different sections or divisions of the beneficiaries or otherwise than to represent the beneficiaries as a whole, any candidate shall, if he is nominated for election to represent more than one such section or division, by notice

in writing to the Secretary, elect which one of those sections or divisions he intends to represent, and he shall withdraw his nomination in respect of the other or others.

(5) A candidate may at any time, by notice to the Board, withdraw his nomination.

Necessity for elections.

48. (1) If on the closing of nominations for election to membership of a Board the number of persons nominated for election to represent any section or division of the beneficiaries exceeds the number of appointments to be made in respect of that section or division, or, in the case of a Board of which the members represent the beneficiaries as a whole, the number of persons nominated exceeds the number of appointments to be made, an election or elections shall be held in accordance with the provisions of this Part of this Act, or of any regulations made in that behalf, as the case may be.

(2) In any case where the number of nominations received is not such as to render an election or elections necessary under subsection one of this section, the persons nominated for election shall be deemed to have been duly elected as members of the Board in accordance with their nominations.

Names of persons elected to be transmitted to Secretary for Maori Affairs.

49. (1) The Secretary of each Board shall, not later than twenty days before the date of the expiry of the term of office of the members for the time being in office, forward to the Secretary for Maori Affairs the names of the persons elected as members of the Board and, where necessary, the section or division of the beneficiaries which each such person is elected to represent.

(2) Where an election under this Part of this Act is held, the person or persons who have received the highest number of valid votes (not exceeding in number the number of members to be elected) shall, for the purposes of subsection one of this section, be deemed to be the person or persons elected.

Election by Postal Ballot

Elections to be by postal ballot unless regulations provide otherwise.

50. Subject to the provisions of this section, the provisions of sections fifty-one, fifty-two, and fifty-three of this Act shall apply in respect of the election of candidates for election to membership of each Board:

Provided that where regulations under this Act provide for the election to membership of any Board otherwise than by postal ballot, the provisions of the said sections

shall not apply to any election to membership of that Board.

Ballot papers to be sent out.

51. Where by section forty-eight of this Act an election is required, the Secretary of the Board concerned, shall, not later than one month after the latest date fixed by section forty-seven of this Act for the lodging of nominations, post to each beneficiary shown on the roll of beneficiaries as entitled to vote at the election a printed ballot paper setting out the full names of each candidate for election, the method of marking the ballot paper to indicate the beneficiary's preference, the address to which the ballot paper is to be returned, and the latest time for its return.

Returning Officer.

52. Ballot papers shall, not later than one month before the date on which the term of office of the members for the time being in office expires, be posted to or lodged with the Returning Officer appointed for the purpose of the election by the Minister. The person appointed as Returning Officer may be the Secretary of the Board or an officer of the Public Service.

Results of ballots.

53. (1) The Returning Officer shall, after the expiration of the time fixed for the return of marked ballot papers, count the votes validly cast for each candidate and communicate the results to the Secretary of the Board.

(2) Each candidate may, by writing under his hand, appoint one scrutineer to be present at the counting of the votes.

Minor Irregularities at Elections

Election not invalid by reason of certain irregularities.

54. An election under this Part of this Act shall not be invalid by reason of any irregularity in any of the proceedings preliminary to the voting, or by reason of any failure to hold an election at any place appointed for holding an election, or to comply with the directions contained in this Act or in regulations under this Act as to the conduct of elections or the counting of the votes, or by reason of any mistake in the use of the forms used at any such elections, if it appears that the election was conducted in accordance with the principles laid down in this Part of this Act, and that the irregularity, failure, or mistake did not affect the result of the election.

55. Where anything is omitted to be done or cannot be done at the time required by or under this Part of this Act, or is done before or after that time, or is otherwise irregularly done in matter of form, or sufficient provision is not made by or under this Part of this Act, the Governor-General may, by Order in Council published in the *Gazette*, at any time before or after the time within which the thing is required to be done, extend that time, or validate anything so done before or after the time required or so irregularly done in matter of form, or make other provision for the case as he thinks fit. **Validation of certain irregularities.**

PART IV

Miscellaneous

56. (1) The Governor-General may from time to time, by Order in Council, make such regulations as are contemplated by this Act or as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof. **Regulations.**

(2) Any regulations made under this section may be of a general nature applying to all Maori Trust Boards, or may apply to one or more specified Boards.

(3) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section:

(*a*) Fixing the number of members of any Board:

(*b*) Providing for the representation of specific sections or divisions of the beneficiaries of a Board by individual members thereof:

(*c*) Providing for the method of election by beneficiaries of a Board, of candidates for membership of the Board.

(4) All regulations made under this section shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

57. (1) The enactments specified in the Schedule to this Act are hereby repealed. **Repeals and savings.**

See Reprint of Statutes, Vol. VIII, p. 568

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or anything whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

Schedule.

Section 57 (1)

SCHEDULE

ENACTMENTS REPEALED

1931, No. 32—
The Maori Purposes Act 1931: Sections 49, 51, 52, 54, 55, 56, and 116.
1933, No. 50—
The Maori Purposes Act 1933: Section 24.
1935, No. 39—
The Maori Purposes Act 1935: Sections 5 and 17.
1938, No. 23—
The Maori Purposes Act 1938: Section 7.
1939, No. 28—
The Maori Purposes Act 1939: Section 16.
1944, No. 32—
The Taranaki Maori Claims Settlement Act 1944.
1944, No. 33—
The Ngaitahu Claim Settlement Act 1944.
1946, No. 19—
The Waikato-Maniapoto Maori Claims Settlement Act 1946.
1946, No. 33—
The Ngaitahu Trust Board Act 1946.
1948, No. 69—
The Maori Purposes Act 1948: Sections 4 and 5.
1949, No. 46—
The Maori Purposes Act 1949: Sections 26 and 29.
1950, No. 98—
The Maori Purposes Act 1950: Section 62.
1951, No. 75—
The Maori Purposes Act 1951: Section 5.
1953, No. 112—
The Maori Purposes Act 1953: Sections 21, 24 (1), and 28.