



ANALYSIS

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1988, No. 226

An Act to amend the Maori Trust Boards Act 1955

[21 December 1988]

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

1. Short Title and commencement—(1) This Act may be cited as the Maori Trust Boards Amendment Act 1988, and shall be read together with and deemed part of the Maori Trust Boards Act 1955 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Royal assent.

2. New heading and sections (relating to Councils) inserted—The principal Act is hereby amended by inserting, after section 23, the following heading and sections:

“Councils”

“23A. **Council of elders**—(1) Each Board may from time to time, by resolution, appoint a council of elders to be known by such name as the Board may decide.

“(2) The principal function of the council of elders shall be to advise the Board on all matters involving tikanga, te reo, and kawa.

“(3) The council of elders shall comprise such of the kaumatua of the beneficiaries as the Board may decide to appoint from time to time after consulting the kaumatua.

“23B. Council of young people—(1) Each Board may from time to time, by resolution, appoint a council of young people to be known by such name as the Board may decide.

“(2) The principal function of the council of young people shall be to advise the Board on the needs and interests of the young people among the beneficiaries.

“(3) The council of young people shall comprise such of the young people among the beneficiaries as the Board may decide to appoint from time to time after consulting the young people.”

3. New sections (relating to Board’s powers) inserted—
The principal Act is hereby amended by inserting, after section 24C (as inserted by section 8 of the Maori Purposes Act 1971), the following sections:

“24D. Board may take part in Government schemes, etc.—(1) A Board may enter into any contract with, or accept grants or loans from, any Government department or other instrument of the Crown, or any other organisation or agency approved by the Minister, for the purpose of any scheme relating to—

- “(a) The placement of Maori in industry and other forms of employment; and
- “(b) The education, vocational guidance, and training of Maori; and
- “(c) The provision of housing and the improvement of the living conditions of Maori; and
- “(d) The promotion of health among Maori; and
- “(e) The broadening of the Maori economic base through the provision of funds for lending to Maori for enterprise development; and
- “(f) The cultural, social, and economic development of Maori; and
- “(g) Social welfare programmes for Maori.

“(2) In any case to which subsection (1) of this section applies, the Board may do anything required of it by the terms of any contract or the conditions of any grant, notwithstanding any other provisions of this Act.

“24E. Board may be appointed in place of committee of management—A Board may accept appointment by the

Maori Land Court under section 61 (6) (c) of the Maori Affairs Amendment Act 1967 to exercise all the powers of a committee of management of a Maori incorporation if the shareholders in the incorporation, or a majority of them, are beneficiaries of the Board.

"24F. Board may contract to provide services to other bodies—A Board may contract to provide administrative, secretarial, accounting, or other services to any Maori incorporation, trust, or other body if the shareholders, beneficiaries, or members of the incorporation, trust, or other body, or a majority of them, are beneficiaries of the Board."

4. Invitation of nominations—Section 46 (2) (b) of the principal Act is hereby amended by omitting the words "Tribal Executives and Tribal Committees constituted under the Maori Social and Economic Advancement Act 1945", and substituting the words "Maori Committees, Maori Executive Committees, and District Maori Councils constituted under the Maori Community Development Act 1962".

5. Names of persons elected to be transmitted to Secretary for Maori Affairs—Section 49 of the principal Act is hereby amended by adding the following subsection:

"(3) If, on receiving under subsection (1) of this section the names of the persons elected as members of the Board, the Secretary for Maori Affairs has good reason to believe that—

"(a) The name of any person has been included incorrectly, in that the person was not qualified to be, or was not duly, elected; or

"(b) The name of any person has been excluded incorrectly, in that the person was qualified to be, and was duly, elected,—

the Secretary shall forthwith report the matter to the Minister."

6. Investigation of conduct and result of election—The principal Act is hereby amended by inserting, after section 53, the following section:

"53A. (1) Where in the opinion of the Minister (whether based on a report under section 49 (3) of this Act or otherwise) it appears that irregularities may have occurred in respect of any election under this Act, the Minister may apply to a Judge of the Maori Land Court to investigate the conduct or result of the election.

“(2) On receiving any such application, the Judge shall fix a place, date, and time for the commencement of the investigation, and shall give notice of those matters, and of the purposes of the investigation, to the Secretary of the Board and to the Returning Officer.

“(3) The Judge may require the Secretary or the Returning Officer to produce all such enrolment applications, nominations, ballot papers, and other particulars relating to the election and under the control of the Secretary or the Returning Officer as the Judge may specify.

“(4) The Judge shall investigate each specific matter relating to the election as the Minister may require in the application, and may investigate any other matter relating to the election as appears to the Judge to warrant investigation.

“(5) If, after completing the investigation, the Judge is satisfied—

“(a) That the election was conducted in accordance with the principles laid down in this Part of this Act; and

“(b) That any irregularity, failure, or mistake that occurred in the conduct of the election did not affect the result of the election; and

“(c) That the result of the election is clear,—
the Judge shall declare the result of the election, and shall send to the Minister the names of the persons elected as members of the Board and, where necessary, the section or division of the beneficiaries that each such person is elected to represent.

“(6) If, after completing the investigation, the Judge is not satisfied of each of the matters specified in subsection (5) of this section, the Judge shall report his or her findings to the Minister, and recommend such action as the Judge thinks desirable, whether under section 55 or section 55A of this Act or otherwise.

“(7) In any particular case, the Judge may, instead of dealing with the application under this section personally, appoint some other person, being a barrister or solicitor of the High Court of at least 7 years' standing, to conduct the investigation; and in any such case, the provisions of subsections (2) to (6) of this section shall be read as if every reference to the Judge were a reference to that other person.”

7. Regulations—(1) Section 56 (3) of the principal Act is hereby amended by adding the following paragraph:

“(d) Limiting or regulating the rights of persons who do not reside in the appropriate area to stand for election,

or to nominate any candidate for election, or to vote in an election.”

(2) Section 56 of the principal Act is hereby further amended by inserting, after subsection (3) (as amended by subsection (1) of this section) the following subsection:

“(3A) Any regulations made pursuant to subsection (3) (d) of this section shall have effect according to their tenor notwithstanding anything to the contrary in this Act.”

This Act is administered in the Department of Maori Affairs.
