

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

29th November, 1945.

Hon. Mr. Mason

NGARIMU V.C. AND 28TH (MAORI) BATTALION
MEMORIAL SCHOLARSHIP FUND

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A BILL INTITULED

AN ACT to Establish a Fund to be known as the
Ngarimu V.C. and 28th (Maori) Battalion Memorial
Scholarship Fund, to Commemorate the Service of
5 the Maoris and, in particular, of the 28th (Maori)
Battalion, in the War against Germany, and the
award of the Victoria Cross to Second Lieutenant
Te Moananui a Kiwa Ngarimu, and to make
10 provision for the Control and Administration of the
Fund.

WHEREAS it is considered desirable to commemorate
in a practical manner the service of the Maoris and,
10 in particular, the service of the 28th (Maori) Battalion

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in the war against Germany, and the award of the Victoria Cross to Second Lieutenant Te Moananui a Kiwa Ngarimu, the first Maori to win this distinction: And whereas for these purposes there has been established a scholarship fund to assist Maori education in New Zealand, and certain moneys have been subscribed to the fund: And whereas it is necessary to make provision for future contributions to the fund and for the control and administration of the fund: 5

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 10

Short Title.

1. This Act may be cited as the Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Act, 1945. 15

Interpretation.

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

“ Board ” means the Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Board established by this Act: 20

“ Financial year ” means a year ending on the thirty-first day of March:

“ Fund ” means the Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund established by this Act: 25

“ Local authority ” means a local authority within the meaning of the Local Government Loans Board Act, 1926:

“ Maori ” means a person belonging to the aboriginal race of New Zealand, and includes a person descended from a Maori: 30

“ Minister ” means the Minister of Education.

See Reprint
of Statutes,
Vol. V, p. 415

Ngarimu V.C.
and 28th
(Maori)
Battalion
Memorial
Scholarship
Fund
established.

3. (1) There is hereby established a fund to be called the Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund which shall consist of— 35

(a) All the moneys mentioned in the Preamble to this Act, together with all interest thereon earned before the passing of this Act:

(b) All moneys that may be contributed to the Fund, or that may otherwise be lawfully payable into the Fund: 40

(c) All accumulations of moneys belonging to the Fund.

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(2) All moneys belonging to the Fund shall be paid to the Native Trustee, who shall hold them in a separate account to be called the Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship
5 Fund Account.

(3) No moneys shall be paid out of the Fund Account except pursuant to a resolution of the Board established by this Act.

10 **4.** (1) For the purpose of administering the Fund there is hereby established a Board to be called the Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Board. Establishment of Board to administer Fund.

(2) The Board shall consist of—

15 (a) The Minister, who shall be the Chairman of the Board:

(b) The Director of Education, who shall be the Deputy Chairman of the Board:

(c) The Maori members of Parliament:

20 (d) Three Maoris, being discharged servicemen as defined in Part I of the Rehabilitation Act, 1941, to be appointed by the Governor-General: 1941, No. 25

25 (e) One Maori to be nominated by the descendants of Tuta Ngarimu and Makere Ngarimu and to be appointed by the Governor-General on the recommendation of the Judge of the Native Land Court for the Tairawhiti District:

30 (f) Not more than two persons, other than Maoris, to be appointed by the Governor-General.

(3) The 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
35 doing and suffering all that bodies corporate may do and suffer.

(4) The Board is hereby declared to be a local authority for the purposes of the Local Authorities 1934, No. 17 (Members' Contracts) Act, 1934.

40 **5.** (1) The members of the Board to be appointed by the Governor-General shall be appointed for a term not exceeding three years, and any such member Term of office of members of Board.

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may from time to time be reappointed, or may at any time resign his office by writing addressed to the Minister.

(2) Every such member, unless he sooner vacates his office, and notwithstanding anything to the contrary 5 in this section, shall continue to hold office until his successor comes into office.

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

Meetings of Board.

6. (1) Meetings of the Board shall be held at such 10 times and places as the Chairman appoints for that purpose.

(2) The Chairman shall preside at all meetings of the Board at which he is present. In the absence of the Chairman from any meeting, the Deputy Chair- 15 man, if 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 be the Chairman of that meeting.

(3) At any meeting of the Board five members 20 shall form a quorum.

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

(5) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an 25 equality of votes shall also have a casting vote.

(6) Subject to the provisions of this Act, the Board shall regulate its own procedure.

Functions of Board.

7. (1) The general function of the Board shall be to administer the Fund in accordance with the pro- 30 visions of this Act for the purpose of granting assistance by way of scholarship, subsidy, special grant, or bursary for the education of any Maori, or for the purpose of promoting the study and encouraging the maintenance of the Maori language and of Maori 35 history, tradition, and culture.

(2) Without limiting the general provisions hereinbefore contained, the Board may from time to time apply moneys towards all or any of the following purposes:—

(a) The provision for Maori children or older 40 Maoris of scholarships of such value and upon such conditions of tenure as the Board in its discretion may determine:

5 (b) The provision of books and other equipment for the holders of such scholarships, and the making of grants generally for the purpose of assisting the parents or guardians of the infant holders of any such scholarships to provide for their children's education:

(c) The provision of prizes for essays relating to the overseas war service of the Maoris:

10 (d) The preparation or production of text-books relating to the Maori language and to Maori history, tradition, and culture.

(3) In making any grant for any of the purposes specified herein the Board may in its discretion impose such conditions as it thinks fit for the purpose of
15 ensuring that the grant is expended only for the purposes for which it is made and to the best advantage; but the Board shall not be obliged to see to the application of any grant or of any other moneys expended under this Act otherwise than by the Board
20 itself.

8. (1) After allowing for the payment of necessary expenses, the net income of the Fund in any financial year shall be available for distribution by the Board:

Income of Fund available for distribution.

25 Provided that any accumulations of income in respect of the moneys mentioned in the Preamble to this Act and forming part of the Fund on the passing of this Act may be applied by the Board in augmenting the income of the Fund at any time after the passing of this Act, and any income of the Fund not expended
30 in the year in which it is received may be applied by the Board in augmenting the income of the Fund in any subsequent year or years.

(2) The capital of the Fund shall not be available for distribution.

35 9. For the general purposes of the Fund the Minister of Finance shall in each financial year pay to the Board out of moneys appropriated by Parliament for the purpose such sum as he may approve, and any such sum, whether paid by way of subsidy or other-
40 wise, may be treated either as capital or as income, or partly as capital and partly as income as the Board, at the time of receipt, may determine.

Annual grant to Board.

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- Investment of moneys. **10.** Any part of the Fund available for investment may be invested in any investments for the time being authorized by law for the investment of trust funds.
- Local authorities and others may contribute to Fund. **11.** Any local authority or other public body, any corporation sole, any company or other incorporated body, any unincorporated body of persons, any trustee or trustees (including any statutory trustee or trustees or board of trustees), or any other person may, unless expressly prohibited by any Act or by any instrument of trust, make to the Board, and the Board may accept, grants or donations of money for the purposes of the Fund.
- Travelling-expenses of Board. **12.** The members of the Board, other than the Minister, the Director of Education, and the Maori members of Parliament, shall be paid, out of the Fund, travelling allowances and expenses in accordance with the Travelling-allowance Regulations 1941 at such rates as may from time to time be approved by the Minister of Finance.
- Serial number 1941/149 **13.** No member of the 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. **14.** (1) At the end of each financial year the Board shall cause to be prepared a report of the proceedings of the Board for that year.
- Annual report and statement of accounts. (2) The report shall contain a statement, in such form as the Minister of Finance from time to time approves or directs, of the total assets and liabilities of the Fund as at the end of the year, together with an account of receipts and payments and of income and expenditure showing the financial transactions for the year.
- (3) The accounts of the Board shall be audited by the Audit Office.