

Reprint
as at 30 January 2021



Masterton Trust Lands Act 2003

Local Act 2003 No 1
Date of assent 5 May 2003
Commencement see section 2

Contents

	Page
Preamble	
1 Title	3
2 Commencement	4
3 Purpose	4
4 Interpretation	4
5 Public notice defined	5
<i>Masterton Trust Lands Trust</i>	
6 Masterton Trust Lands Trust	5
<i>Trusts</i>	
7 Trust on which lands to be held	5
8 Trust lands policy	6
9 Application of income from Trust lands	6
<i>Powers</i>	
10 Leasing powers	8
11 Powers of acquisition	8
12 Power to accept trusteeships	8
13 Powers in relation to publications	8

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

<i>Investment and borrowing</i>		
14	Power to set aside fund out of income	9
15	Investment of money not immediately required for use	9
16	Power to borrow	9
17	Borrowing policy	10
<i>Sale and alienation</i>		
18	Sale and alienation	10
<i>Membership of Trust</i>		
19	Membership of Trust	10
20	Term of office	10
21	Rotation of members	11
22	Remuneration and expenses of members of Trust	11
<i>Electors and elections</i>		
23	Qualifications of electors	11
24	Qualifications of members	12
25	Elections of members	12
<i>Disqualification and extraordinary vacancies</i>		
26	Extraordinary vacancies	12
27	Filling of extraordinary vacancies	13
<i>Ouster of office</i>		
28	Ouster of office	14
<i>Chairperson and Deputy Chairperson</i>		
29	Chairperson	15
30	Deputy Chairperson	15
<i>Proceedings of Trust</i>		
31	Proceedings of Trust	15
<i>Auditor of Trust</i>		
32	Auditor-General to be auditor of Trust	16
<i>Transitional provisions</i>		
33	Transitional provision in relation to members	16
34	Transitional provision in relation to Chairperson	16
35	Transitional provision in relation to employees	16
<i>Consequential amendments</i>		
36	Amendment to Local Authorities (Members' Interests) Act 1968	16
37	Amendment to Local Government Act 2002	16
<i>Repeals and savings</i>		
38	Repeals	16
39	Savings	17

40	Savings and validation in respect of remuneration, allowances, and expenses of members of Trust	17
	Schedule 1	19
	Trust lands	
	Schedule 2	25
	Proceedings relating to Trust	

Preamble

- (1) In 1870 the Wairarapa Town Lands Management Act 1870 vested in trustees, and otherwise made better provision for the management of, certain land in the Townships of Masterton and Greytown, being land that was, before the passing of that Act, vested in Charles Rooking Carter and was,—
 - (a) in part, land set apart for the formation of a settlement upon the principle of a small farm association; and
 - (b) in part, land set apart for public purposes for the service of the settlement; and
- (2) The responsibilities of those trustees, in relation to the parts of that land that were in the Township of Masterton, have devolved to the body corporate known as the Masterton Trust Lands Trust (which was constituted under the name of the Masterton Trust Lands Trustees by the Masterton Trust Lands Act 1889); and
- (3) Under section 23 of the Masterton Trust Lands Act 1966, the Masterton Trust Lands Trust holds, and is deemed always to have held, the land referred to in that Act as the general trust lands and the land referred to in that Act as the scholarship lands for the purposes specified in that section; and
- (4) It is desired—
 - (a) to abolish the distinction between general trust lands and scholarship lands; and
 - (b) to vary the provisions relating to the election of the members of the Masterton Trust Lands Trust; and
 - (c) to extend the powers of the Masterton Trust Lands Trust in relation to the assets vested in it; and
 - (d) to consolidate and amend the Masterton Trust Lands Act 1966.

1 Title

This Act is the Masterton Trust Lands Act 2003.

2 Commencement

This Act comes into force on the day after the date on which this Act receives the Royal assent.

3 Purpose

The purposes of the Act are—

- (a) to consolidate and amend the laws relating to the management of the Trust lands; and
- (b) to repeal the Masterton Trust Lands Act 1966.

4 Interpretation

In this Act, unless the context otherwise requires,—

elector means any person who, in accordance with section 23, is qualified to vote at any election of members under this Act

financial year means the period of 12 months ending on 31 March in each year
income, in relation to any property of the Trust, includes, in relation to any financial year, both—

- (a) income derived from that property in that financial year; and
- (b) any income derived from that property in any previous financial year and not yet applied in accordance with the provisions of this Act

member means a member of the Trust

property has the meaning given to it by section 2 of the Property Law Act 1952

public notice has the meaning given to it by section 5

special meeting, in relation to the Trust, means a meeting held in accordance with clause 2 of Schedule 2

special resolution means a resolution passed at a meeting of the Trust in accordance with clause 3 of Schedule 2

Trust means the Masterton Trust Lands Trust continued by section 6(1)

Trust lands—

- (a) means, subject to paragraph (b),—
 - (i) the pieces of land described in Schedule 1; and
 - (ii) any piece of land acquired in substitution for any of the pieces of land described in Schedule 1; and
 - (iii) any piece of land acquired in addition to the pieces of land referred to in subparagraphs (i) and (ii); but
- (b) does not include any land described in paragraph (a) that is disposed of by the Trust

Trust district means all that area of land within the district of the former Borough of Masterton as that district was constituted on 31 March 1989 and all that area of land for the time being within the Masterton Small Farm Settlement; as the same is more particularly delineated on the plan numbered SO 38307, lodged in the office of the Chief Surveyor at Wellington, and thereon edged black.

Compare: 1966 No 27 (L) s 2; 1991 No 49 s 32

5 Public notice defined

- (1) **Public notice** means a notice published in a newspaper circulating generally in the Trust district; and **published** and **publicly notified** have corresponding meanings.
- (2) A public notice setting forth the object, purport, or general effect of a document is in any case sufficient notice of that document.

Compare: 1966 No 27 (L) s 2

Masterton Trust Lands Trust

6 Masterton Trust Lands Trust

- (1) There continues to be a body corporate called the Masterton Trust Lands Trust, which is the same body corporate as that continued by sections 3 and 4 of the Masterton Trust Lands Act 1966.
- (2) The Masterton Trust Lands Trust is a body corporate with perpetual succession and a common seal and, subject to this Act and to any other Act or rule of law, has and may exercise, within the scope of its functions, all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.

Compare: 1966 No 27 (L) s 4

Trusts

7 Trust on which lands to be held

- (1) Subject to the express provisions of this Act, the Trust lands are held, and are deemed always to have been held, by the Trust—
 - (a) for matters beneficial to the community; and
 - (b) for purposes of public utility in the Trust district; and
 - (c) for the promotion and assistance of the purposes specified in paragraphs (a) and (b).
- (2) Matters beneficial to the community include, but are not limited to, educational purposes.
- (3) Without limiting the generality of subsections (1) and (2), the Trust lands are held by the Trust—

- (a) for the purposes of assisting educational establishments and educational activities in the Trust district:
 - (b) for the purposes of assisting libraries in the Trust district:
 - (c) for the purposes of the promotion, advancement, or encouragement in or for the Trust district of—
 - (i) education, science, literature, art, and other cultural purposes; and
 - (ii) physical welfare:
 - (d) for the purposes of promoting and fostering in the Trust district or among persons who are, or at some time have been, resident within the Trust district—
 - (i) education generally; and
 - (ii) the promotion, advancement, encouragement, or imparting of knowledge, proficiency, or skill in education, science, literature, art, and other cultural purposes, and physical welfare:
 - (e) for the purposes of undertaking or commissioning research into areas related to the other purposes for which the trust lands are held by the Trust.
- (4) For the purposes of this section, **assisting** is deemed to include establishing.
- Compare: 1966 No 27 (L) s 23

8 Trust lands policy

- (1) The Trust must adopt a Trust lands policy.
- (2) The policy adopted under subsection (1) must set out—
 - (a) the manner in which the Trust lands are to be managed in accordance with this Act; and
 - (b) the circumstances in which the Trust may acquire land outside the Trust district; and
 - (c) the circumstances in which the Trust may sell or otherwise dispose of Trust lands.
- (3) The policy under subsection (1) is to be adopted by special resolution and may be amended from time to time by special resolution.

9 Application of income from Trust lands

- (1) The Trust may, in every financial year, apply its income from the Trust lands, in such manner as the Trust from time to time decides, to all or any of the following purposes:
 - (a) paying and satisfying all the costs and expenses of the conduct and management of the business and affairs of the Trust:

- (b) paying to the members of the Trust the remuneration and travelling allowances and travelling expenses that they are entitled to be paid under section 22:
 - (c) paying and satisfying the costs and expenses of conducting elections and polls under this Act:
 - (d) paying and satisfying the general costs and expenses of the execution of the trusts and powers of this Act:
 - (e) for any or all of the purposes mentioned in section 7:
 - (f) for the purpose of founding and endowing scholarships and bursaries tenable at educational establishments in the Trust district, irrespective of the ordinary places of residence of the students to whom such scholarships or bursaries are awarded, or tenable beyond the Trust district by students who are, or have at some time been, resident within the Trust district:
 - (g) for the purpose of making to students who are, or at some time have been, resident within the Trust district such grants as the Trust thinks fit for the purpose of assisting them in their education, whether at primary, secondary, tertiary, or post-graduate level, or in the study within or beyond the Trust district, and in New Zealand or elsewhere, in arts, literature, sciences, and technical subjects:
 - (h) for the purpose of erecting or assisting in erecting on land within the Trust district (whether owned by the Trust or not) and on land elsewhere owned by the Trust, buildings and other erections designed for any of the purposes mentioned in section 7, or designed for use in connection with or incidental to any such purposes:
 - (i) for the purpose of improving, maintaining, and keeping in proper order and condition any property of the Trust, and any property in the Trust district (whether or not the property of the Trust) used, or designed for use, for or in connection with any of the purposes mentioned in section 7:
 - (j) for the purpose of maintaining and improving the earning capacity, or the use for any of the purposes mentioned in section 7, of any property of the Trust, or rendering any such property more suitable for the purpose of producing revenue, and, in particular, by the erection of buildings for residential or commercial, industrial, or other business purposes, and the addition of improvements and amenities:
 - (k) for the purpose of acquiring any land, building, or property, whether within the Trust district or not, for the purpose of maintaining and improving the revenues of the Trust or for the purposes of strengthening or diversifying the asset base owned by the Trust.
- (2) Despite subsection (1), the Trust may retain profits in any financial year and carry the profits so retained or any part of them forward into subsequent finan-

cial years, and use the profits so retained or any part of them to or towards the repayment of any debts or obligations that the Trust may have or use the same or any part of them for the establishment of reserve accounts in the books of the Trust, either by way of capital or by way of income.

Compare: 1966 No 27 (L) ss 24, 47; 1985 No 60 s 39(2)

Powers

10 Leasing powers

- (1) The Trust has power to grant leases and tenancies, and to create licences to occupy and to grant occupation rights, in respect of the Trust lands and may from time to time vary, amend, alter, or accept surrender of any such leases, tenancies, licences, or occupation rights.
- (2) The Trust has power to negotiate and enter into such leases, tenancies, licences, and occupation rights for such terms and renewals of terms and upon such conditions as the Trust may determine, and for such purposes the Trust may obtain valuation reports or rental assessments and consult with and obtain advice from property consultants or advisers.
- (3) The Trust ceases, as from the commencement of this Act, to be a leasing authority for the purposes of the Public Bodies Leases Act 1969.

Compare: 1966 No 27 (L) s 26

11 Powers of acquisition

The Trust has power to acquire from time to time, by purchase, by the acceptance of gifts or devises, or otherwise, additional property.

Compare: 1966 No 27 (L) s 29

12 Power to accept trusteeships

The Trust is at liberty to accept from time to time trusteeships for trusts and purposes not inconsistent with the general purposes of this Act and, for such purposes, to permit to be or become vested in the Trust any property to be held by the Trust upon and subject to the trusts imposed in respect of that property.

Compare: 1966 No 27 (L) s 30

13 Powers in relation to publications

- (1) The Trust may—
 - (a) prepare and publish books, handbooks, abstracts, and other publications containing information and matters of interest relative to the history, administration, and affairs of the Trust; and
 - (b) prepare and disseminate information that is designed to educate and instruct the public concerning the activities of the Trust.
- (2) The Trust may, in relation to the history, administration, activities, and affairs of the Trust district or of the district surrounding the Trust district or of both,—

- (a) assist in, or contribute towards the cost of, the preparation of records of historical matters in whatever form or medium the Trust believes is appropriate;
- (b) prepare and disseminate information—
 - (i) that is designed to educate and instruct the public within the Trust district concerning the administration, activities, and affairs of the Trust district and the district surrounding the Trust district; or
 - (ii) that has for its object the advancement or development of the Trust district.

Compare: 1966 No 27 (L) s 31

Investment and borrowing

14 Power to set aside fund out of income

The Trust may from time to time out of the income from the Trust property create, maintain, and add to a fund or funds for—

- (a) any 1 or more of the purposes of the Trust; or
- (b) the improvement of the Trust lands; or
- (c) the repair, renewal, replacement, or improvement of any buildings or other property of the Trust affixed to or situated on the Trust lands or appertaining to the Trust lands; or
- (d) the purpose of purchasing, acquiring, erecting, or constructing additional property for the purposes of the Trust.

Compare: 1966 No 27 (L) s 33

15 Investment of money not immediately required for use

- (1) The Trust may from time to time invest—
 - (a) any fund established under section 14, or any part or parts of any such fund; and
 - (b) all money representing income of the Trust, from time to time remaining unapplied, pending the application of that money.
- (2) The Trust, in exercising the power of investment conferred by this section, must, in accordance with section 30 of the Trusts Act 2019, exercise the care and skill that a prudent person of business would exercise in managing the affairs of others.

Compare: 1966 No 27 (L) s 34

Section 15(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

16 Power to borrow

- (1) The Trust may from time to time borrow money for the purposes of the Trust, as defined in sections 7 and 9, either with or without security.

- (2) For the purpose of securing the repayment of money so borrowed, and the interest thereon, the Trust may appropriate and pledge as security its revenues or any part thereof, or mortgage or charge any of its property.
- (3) The power to borrow conferred by this section is to be exercised so that the borrowing of the Trust is at all times maintained within prudent levels.

Compare: 1966 No 27 (L) ss 40, 41

17 Borrowing policy

- (1) The Trust must adopt a policy in respect of borrowing.
- (2) The policy adopted under subsection (1) must set out the Trust's policies, in respect of the management of borrowing.
- (3) The policy under subsection (1) is to be adopted by special resolution and may be amended from time to time by special resolution.

Sale and alienation

18 Sale and alienation

- (1) The Trust has power from time to time, with or without requiring any payment or other consideration, to sell, exchange, or otherwise dispose of any part or parts of the Trust's property.
- (2) The sale or alienation of land or buildings may be exercised only by or in pursuance of a special resolution.

Compare: 1966 No 27 (L) ss 35–39

Membership of Trust

19 Membership of Trust

- (1) The Trust consists of 8 members elected in the manner provided by this Act.
- (2) The powers of the Trust are not affected by any vacancy in its membership.

Compare: 1966 No 27 (L) s 5

20 Term of office

- (1) Every member who is elected comes into office on the later of—
 - (a) the day after polling day; or
 - (b) the day after the day on which he or she is declared elected.
- (2) Every person who is appointed to fill an extraordinary vacancy comes into office on the day after the day on which that person is appointed.
- (3) Except as otherwise provided in this Act, every member who is elected, and every person who is appointed to fill an extraordinary vacancy to which section 21(2) applies, holds office for a term—
 - (a) commencing with the day on which he or she comes into office; and

- (b) expiring with the close of polling day of the second triennial general election of members of local authorities held after the member comes into office.
- (4) Every member whose term of office expires with the close of polling day for a triennial general election of members of local authorities is eligible for re-election.
- (5) Every member, unless he or she sooner vacates office under section 26, continues in office until his or her successor comes into office, notwithstanding that the term of office of that member may have expired.

Compare: 1966 No 27 (L) s 6

21 Rotation of members

- (1) At each triennial general election of members of local authorities, 4 members of the Trust must be elected to provide successors to the members whose term of office expires with the close of polling day for that election.
- (2) If no person is nominated for election or the number of persons nominated is less than 4, any vacancy remaining unfilled is deemed to be an extraordinary vacancy occurring on polling day; notwithstanding that any member or members continue in office pursuant to section 20(5).

22 Remuneration and expenses of members of Trust

- (1) The members of the Trust are entitled to be paid such remuneration as is from time to time determined, either generally or in respect of any particular member or members of the Trust, by the Remuneration Authority.
- (2) Subject to the Remuneration Authority Act 1977, any determination made under subsection (1) takes effect on such date (whether the date of the determination or any earlier or later date) as may be specified in the determination. If no such date is specified, the determination takes effect on the date on which it is made.
- (3) The Trust is declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.
- (4) The members of the Trust are entitled to be paid travelling allowances and travelling expenses in accordance with the provisions of the Fees and Travelling Allowances Act 1951, and the provisions of that Act apply accordingly.

Electors and elections

23 Qualifications of electors

Every person who is qualified as a residential elector of any territorial authority in respect of an address within the Trust district is qualified to be an elector of the Trust.

Compare: 1966 No 27 (L) s 8; 1986 No 21 s 12; 1991 No 49 s 33

24 Qualifications of members

Every person who is a parliamentary elector in respect of any electorate (whether within or outside the Trust district) and who is a New Zealand citizen is qualified for election or appointment as a member of the Trust.

Compare: 1966 No 27 (L) s 8A; 1986 No 21 s 12; 2002 No 85 s 52

25 Elections of members

- (1) An election of 4 members must be held on the second Saturday in October in the year 2004.
- (2) After that date, an election of 4 members must be held on the day appointed by the Local Electoral Act 2001 for the holding of successive triennial general elections of members of local authorities.
- (3) At every election held under this Act, the electoral officer of the Masterton District is the electoral officer of the Trust district.
- (4) The electoral rolls for the districts that are situated wholly or partly within the Trust district are the rolls of electors for elections under this Act.
- (5) It is the duty of the electoral officer of the local authority of every district situated wholly or partly within the Trust district to indicate on the electoral roll for the district of the local authority, by appropriate words, abbreviations, or marks, the names of the persons entitled to vote at elections of members of the Trust.
- (6) If the district of a local authority is situated wholly or partly within the Trust district, every election under this Act must be conducted within the district of the local authority by the electoral officer of the local authority on behalf of the electoral officer for the Trust district. After counting the votes recorded in his or her district for each candidate, the electoral officer of the local authority must, as soon as practicable, send particulars of the count to the electoral officer of the Trust district, who must declare the result of the election.
- (7) Subject to the provisions of this Act, the provisions of the Local Electoral Act 2001 and of any regulations made under that Act apply to every election under this Act.

Compare: 1966 No 27 (L) s 9(1)–(6), (8); 1991 No 49 s 34; 2002 No 85 s 52

*Disqualification and extraordinary vacancies***26 Extraordinary vacancies**

- (1) The office of a member becomes vacant and the vacancy is an extraordinary vacancy, if the member—
 - (a) dies; or
 - (b) resigns the office by writing under the member's hand delivered to the Secretary-Manager or Chairperson of the Trust, or is ousted from office; or

- (c) becomes subject to a compulsory treatment order made under Part 2 of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
 - (d) becomes a special patient or a restricted patient within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
 - (e) ceases to be an elector or becomes disqualified for registration as an elector under the Electoral Act 1993; or
 - (f) is convicted of any offence punishable by imprisonment for a term of 2 years or more; or
 - (g) is absent without leave from 4 consecutive meetings of the Trust.
- (2) In any case to which subsection (1)(f) applies,—
- (a) the disqualification does not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and
 - (b) the member concerned is deemed to have been granted leave of absence until the expiration of that time, and is not capable of acting as a member during the period of that leave of absence.
- (3) If any person does any act as a member after the person's office has become vacant under this section (other than under subsection (1)(c) or subsection (1)(d)) or while on leave of absence under subsection (2), the person commits an offence and is liable on conviction to a fine not exceeding \$5,000.

Compare: 1966 No 27 (L) s 11; 1986 No 21 s 12

Section 26(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

27 Filling of extraordinary vacancies

- (1) In the event of an extraordinary vacancy in the office of a member occurring not less than 6 months before the date of the election at which a successor to that member is due to be elected under section 21(1), the Trust must, by resolution, appoint a person qualified to be elected a member to fill the vacancy.
- (2) In the event of an extraordinary vacancy in the office of a member occurring less than 6 months before the date of the election at which a successor to that member is due to be elected under section 21(1), the Trust may, by resolution, either appoint a person qualified to be elected a member to fill the vacancy, or determine that the vacancy not be filled by an appointment under this section.
- (3) Subject to subsection (4), every person appointed by the Trust under this section is for all purposes deemed to have been elected to fill the vacancy.
- (4) Any person appointed to fill an extraordinary vacancy (other than an extraordinary vacancy to which section 21(2) applies) holds office only for the unexpired portion of the term of office of the member's predecessor.

- (5) Despite anything to the contrary in the Local Electoral Act 2001, every resolution of the Trust under this section has effect according to its tenor.

Compare: 1966 No 27 (L) s 12

Ouster of office

28 Ouster of office

- (1) Upon proof by affidavit that a member is, or has become, or was at the date of appointment or election, incapable of holding his or her office under this Act, the District Court in the Trust district may call upon the person holding the office of member to show cause why he or she should not be adjudged to be ousted of the office.
- (2) If it appears to the court that the person is or was incapable of holding office, the court may adjudge that person to be ousted of office, and that person is ousted of office accordingly.
- (3) In any such proceedings the District Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases; and the procedure of the court is, so far as applicable, to apply generally to the proceedings.
- (4) No matter in relation to a disputed appointment or election may be heard by the District Court under this section.
- (5) Where under this section the District Court adjudges that any member be ousted of his or her office,—
- (a) the decision does not take effect until the expiration of the time for appealing against the decision and, in the event of an appeal against the decision, until the appeal is determined; and
- (b) the person holding the office of member is deemed to have been granted leave of absence until the expiration of that time, and is not capable of acting as a member during the period of that leave of absence.
- (6) If any person does any act as a member while on leave of absence pursuant to subsection (5), that person commits an offence and is liable on conviction to a fine not exceeding \$5,000.

Compare: 1966 No 27 (L) s 13(1)–(4)

Section 28(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 28(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 28(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Chairperson and Deputy Chairperson

29 Chairperson

- (1) At its first meeting after every triennial election of members, the Trust must elect one of its members to be the Chairperson of the Trust.
- (2) During the election of a Chairperson, the Secretary-Manager of the Trust is to preside at the meeting of the Trust. In the case of an equality of votes at any election of a Chairperson, the Secretary-Manager must determine the election by lot in such manner as the Trust directs.
- (3) The Chairperson comes into office when elected as Chairperson and, unless the officer sooner vacates the office, holds office until the election of the Chairperson's successor, but may from time to time be re-elected.
- (4) The Chairperson may resign the office of Chairperson by writing under the Chairperson's hand delivered to the Secretary-Manager of the Trust; and in such case, or in the case of a Chairperson ceasing from any cause to be a member of the Trust, that office becomes vacant and the Secretary-Manager must forthwith convene a meeting of the Trust for the election of another Chairperson.

Compare: 1966 No 27 (L) s 14

30 Deputy Chairperson

- (1) The Trust may from time to time appoint from among its members a Deputy Chairperson, who shall act as Chairperson of the Trust during the temporary absence or incapacity of the Chairperson.
- (2) While so acting, the Deputy Chairperson may do all acts that the Chairperson as such might do.
- (3) The fact that the Deputy Chairperson exercises any power, duty, or function of the Chairperson is sufficient evidence of the Deputy Chairperson's authority to do so; and no person is to be concerned to inquire whether any occasion has arisen requiring or authorising the Deputy Chairperson so to do, or be affected by notice that no such occasion has arisen.

Compare: 1966 No 27 (L) s 15

Proceedings of Trust

31 Proceedings of Trust

The provisions of Schedule 2 have effect in relation to the Trust and its proceedings.

Compare: 1966 No 27 (L) s 16–21

*Auditor of Trust***32 Auditor-General to be auditor of Trust**

The Trust is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Compare: 1966 No 27 (L) s 44(2)

*Transitional provisions***33 Transitional provision in relation to members**

- (1) Every person who, immediately before the coming into operation of this Act, holds office as a member of the body corporate constituted by the Masterton Trust Lands Act 1966 is, unless that member sooner vacates office under section 26, to continue to hold office as a member of the body corporate constituted by this Act.
- (2) The term of office of every member continued in office by subsection (1) expires, unless that member sooner vacates office under section 26, at the time at which it would have expired under this Act had that member been elected or appointed under this Act.

Compare: 1966 No 27 (L) s 7

34 Transitional provision in relation to Chairperson

The member holding office as Chairman of the Trust immediately before the coming into operation of this Act is, unless that member sooner vacates office, to hold office as Chairperson of the Trust until the election of a successor, but that member may be re-elected as Chairperson.

35 Transitional provision in relation to employees

Every person who, immediately before the coming into operation of this Act, is an employee of the Trust continues, subject to his or her contract of employment and this Act, to be an employee of the Trust.

*Consequential amendments***36 Amendment to Local Authorities (Members' Interests) Act 1968**

Amendment(s) incorporated in the Act(s).

37 Amendment to Local Government Act 2002

Amendment(s) incorporated in the Act(s).

*Repeals and savings***38 Repeals**

The following enactments are repealed:

- (a) the Masterton Trust Lands Act 1966:
- (b)–(g) *Amendment(s) incorporated in the Act(s)*.

39 Savings

- (1) All Proclamations, Orders in Council, regulations, offices, appointments, resolutions, agreements, leases, licences, lists, rolls, records, documents, and generally all acts of authority that originated under the Masterton Trust Lands Act 1966 and are subsisting or in force at the coming into operation of this Act enure for the purposes of this Act and accordingly are, where necessary, deemed to have originated under this Act.
- (2) Nothing in this Act limits the application of the Public Bodies Leases Act 1969 (as modified by the Masterton Trust Lands Act 1966) with respect to—
 - (a) any lease or tenancy granted by the Trust before the commencement of this Act and current at the commencement of this Act; or
 - (b) any lease or tenancy granted after the commencement of this Act in renewal of a lease or tenancy to which the Public Bodies Leases Act 1969 applies.
- (3) All matters and proceedings commenced under the Masterton Trust Lands Act 1966, and pending or in progress at the coming into operation of this Act, may be continued, completed, and enforced under this Act and, in particular, all rights of borrowing accrued under the Masterton Trust Lands Act 1966 and not fully exhausted continue and may be exercised as though that Act had not been repealed.
- (4) Every reference to the Trust under the style of “The Masterton Trust Lands Trustees” in any Act, regulation, order, or bylaw, or, any agreement, deed, instrument, certificate of title, lease, licence, application, notice, or document whatsoever, is to continue to be read as a reference to the Trust under the style of “The Masterton Trust Lands Trust”.

40 Savings and validation in respect of remuneration, allowances, and expenses of members of Trust

- (1) Every determination, resolution, or other document which was in force under Part 4C of the Local Government Act 1974 in relation to the Chairman and members of the Trust immediately before the commencement of section 4 of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001—
 - (a) is deemed to have continued in force until the commencement of this section; and
 - (b) is to continue in force after the commencement of this section until it is superseded or revoked by a determination made by the Remuneration Authority under this Act.

- (2) In relation to the period beginning with the commencement of section 4 of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001 and ending with the commencement of this section, the provisions of Part 4C of the Local Government Act 1974 are, in relation to the Chairman and members of the Trust, deemed to have had effect as if that section had not been enacted.
- (3) The provisions of Part 4C of the Local Government Act 1974 (in the form of which they were immediately before the commencement of section 4 of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001) continue to have effect in relation to any determination, resolution, or other document to which subsection (1) of this section applies until the determination, resolution, or document is superseded or revoked by a determination made by the Remuneration Authority under this Act.
- (4) A determination made by the Remuneration Authority under this Act may revoke any determination, resolution, or other document to which subsection (1) applies.

Schedule 1 Trust lands

s 4

Area	Reference to Certificate of Title, Wellington Registry		Description
	Volume	Folio	
3888 square metres	16B	498	3888 square metres, more or less, situate in the Masterton District, being Lot 4, Deeds Plan 137.
10.8699 hectares	40D	900	10.8699 hectares, more or less, situate in the Masterton District, being Lots 5, 6, 7, and 8, Deposited Plan 7702, part Lot 1, Deposited Plan 25355, and part Lot 1, Deposited Plan 10482.
3762 square metres	346	114Ltd	3762 square metres, more or less, situate in the Masterton District, being part of Lots 2 and 3 on Deeds Plan 96.
6012 square metres	442	29	6012 square metres, more or less, situate in the Masterton District, being part Lot 1, Deposited Plan No. 9945, and closed street.
3132 square metres	10B	983	3132 square metres, more or less, situate in the Masterton District, being Lots 1, 2, 3, 6, 7, 8, and 9, Deposited Plan 10490.
4701 square metres	35B	681	4701 square metres, more or less, situate in the Masterton District, being Lot 4 and part Lot 5, Deposited Plan 10488, part Lots 4 and 5, Deposited Plan 13089.
4931 square metres	17B	613	4931 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 45906.
5276 square metres	18D	923	5276 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 48394.
4.3606 hectares	38D	369Bal	4.3606 hectares, more or less, situate in the Masterton District, being parts Section 185, Masterton Small Farm Settlement.
6055 square metres	38B	550	6055 square metres, more or less, situate in the Masterton District, being Lot 4, Deposited Plan 69228.
4550 square metres	43B	653	4550 square metres, more or less, situate in the Masterton District, being part Lots 8 and 9 and Lots 10, 11, 12, 13, and 14, Deposited Plan 10491.
1451 square metres	F4	216	1451 square metres, more or less, situate in the Masterton District,

Area	Reference to Certificate of Title, Wellington Registry		Description
	Volume	Folio	
			being Lot 1, Deposited Plan 25593, part Lots 4 and 5 and the part marked "Right of Way", Deposited Plan 10491.
458 square metres	8C	310	458 square metres, more or less, situate in the Masterton District, being Lot 2, Deposited Plan 31818.
465 square metres	8C	309	465 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 31818.
3263 square metres	D2	963	3263 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 25645.
1.0641 hectares	16B	158	1.0641 hectares, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 45232.
576 square metres	57C	809	576 square metres, more or less, situate in the Masterton District, being Lot 2, Deposited Plan 90153.
2436 square metres	57C	810	2436 square metres, more or less, situate in the Masterton District, being Lot 3, Deposited Plan 90153.
2033 square metres	660	91	2033 square metres, more or less, situate in the Masterton District, being Lot 5, Deposited Plan 10483.
4052 square metres	664	5	4052 square metres, more or less, situate in the Masterton District, being Lots 2, 3, and 4 of Lot C, Deposited Plan 1151, and Lots 1 and 2, Deposited Plan 10489.
1837 square metres	19C	269	1837 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 47210.
1908 square metres	56A	103	1908 square metres, more or less, situate in the Masterton District, being Lots 5 and 7 of Lot B, Deposited Plan 1151.
1012 square metres	56A	104	1012 square metres, more or less, situate in the Masterton District, being Lot 9 of Lot B, Deposited Plan 1151.
965 square metres	56A	105	965 square metres, more or less, situate in the Masterton District, being part Lot 11, of Lot B, Deposited Plan 1151.
1588 square metres	56A	106	1588 square metres, more or less, situate in the Masterton District, being Lots 10 and 12 and part Lot 8 of Lot B, Deposited Plan 1151.

Area	Reference to Certificate of Title, Wellington Registry		Description
	Volume	Folio	
731 square metres	53C	455	731 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 85803.
30 square metres	8A	316	30 square metres, more or less, situate in the Masterton District, being Lot 11, Deposited Plan 30602.
202 square metres	8A	315	202 square metres, more or less, situate in the Masterton District, being Lot 10, Deposited Plan 30602.
507 square metres	318	50	507 square metres, more or less, situate in the Masterton District, being part Section 9, Town of Masterton (Deposited Plan 6916).
1350 square metres	946	96	1350 square metres, more or less, situate in the Masterton District, Lot 2, Deposited Plan 21918.
826 square metres	192	27Bal	826 square metres, more or less, situate in the Masterton District being part of Section 2, Town of Masterton.
2334 square metres	34C	418	2334 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 66087.
7965 square metres	34C	421	7965 square metres, more or less, situate in the Masterton District, being Lots 1 and 2, Deposited Plan 16921, Lots 1, 2, 3, and 7, Deposited Plan 23982.
313 square metres	35B	675	313 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 57812.
477 square metres	35B	676	477 square metres, more or less, situate in the Masterton District, being Lot 2, Deposited Plan 57812.
568 square metres	35B	677	568 square metres, more or less, situate in the Masterton District, being Lot 3, Deposited Plan 57812.
432 square metres	35B	678	432 square metres, more or less, situate in the Masterton District, being Lot 4, Deposited Plan 57812.
313 square metres	35B	679	313 square metres, more or less, situate in the Masterton District, being Lot 5, Deposited Plan 57812.
298 square metres	35B	680	298 square metres, more or less, situate in the Masterton District, being Lot 6, Deposited Plan 57812.
129 square metres	27C	224	129 square metres, more or less, situate in the Masterton District, being Section 184, Masterton Small Farm Settlement.

Area	Reference to Certificate of Title, Wellington Registry		Description
	Volume	Folio	
671 square metres	16C	545	671 square metres, more or less, situate in the Masterton District, being Section 198, Masterton Small Farm Settlement.
124 square metres	55B	312	124 square metres, more or less, situate in the Masterton District, being part Section 125, Town of Masterton.
56 square metres	55C	30	56 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 87767.
1171 square metres	55C	31	1171 square metres, more or less, situate in the Masterton District, being part Lot 2, Deposited Plan 10486.
2179 square metres	41A	508	2179 square metres, more or less, situate in the Masterton District, being Lot 2, Deposited Plan 74295.
1268 square metres	41A	509	1268 square metres, more or less, situate in the Masterton District, being Lot 3, Deposited Plan 74295.
1078 square metres	41A	510	1078 square metres, more or less, situate in the Masterton District, being Lot 4, Deposited Plan 74295.
500 square metres	13B	396	500 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 41505.
5404 square metres	18C	1185	5404 square metres, more or less, situate in the Masterton District, being Lot 2, Deposited Plan 46677.
4478 square metres	18C	1186	4478 square metres, more or less, situate in the Masterton District, being Lot 3, Deposited Plan 46677.
3648 square metres	18C	1187	3648 square metres, more or less, situate in the Masterton District, being Lot 4, Deposited Plan 46677.
749 square metres	47A	618	749 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 80483.
743 square metres	47A	619	743 square metres, more or less, situate in the Masterton District, being part Lot 2, Deposited Plan 10484.
1843 square metres	47A	620	1843 square metres, more or less, situate in the Masterton District, being part Lot 1, Deposited Plan 74295.
872 square metres	56A	785	872 square metres, more or less, situate in the Masterton District, being part Lot 1, Deposited Plan 10488.

Area	Reference to Certificate of Title, Wellington Registry		Description
	Volume	Folio	
4123 square metres	39C	616	4123 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 10485.
1005 square metres	39C	617	1005 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 10582.
852 square metres	39C	618	852 square metres, more or less, situate in the Masterton District, being Lot 2, Deposited Plan 10582.
1910 square metres	39C	619	1910 square metres, more or less, situate in the Masterton District, being Lot 3, Deposited Plan 10582.
2471 square metres	F4	217	2471 square metres, more or less, situate in the Masterton District, being Lots 1, 2, 3, and 7, and part Lot 6, Deposited Plan 10491.
839 square metres	41D	335	839 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 74730.
1605 square metres	41D	336	1605 square metres, more or less, situate in the Masterton District, being Lot 2, Deposited Plan 74730.
1212 square metres	41D	337	1212 square metres, more or less, situate in the Masterton District, being Lot 3, Deposited Plan 74730.
1012 square metres	41	20	1012 square metres, more or less, situate in the Masterton District, being part Section 74, Town of Masterton.
367 square metres	280	146	367 square metres, more or less, situate in the Masterton District, being part Section 74, Town of Masterton.
2437 square metres	20D	1133	2437 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 51625.
941 square metres	20A	879	941 square metres, more or less, situate in the Masterton District, being Lot 1, Deposited Plan 49947.
2177 square metres	DI	856	2177 square metres, more or less, situate in the Masterton District, being Lots 4 and 5, Deposited Plan 23982.
890 square metres	408	289Ltd	890 square metres, more or less, situate in the Masterton District, being part Section 68, Town of Masterton.
1922 square metres	344	149Ltd	1922 square metres, more or less, situate in the Masterton District, being part Section 68, Town of Masterton.

Area	Reference to Certificate of Title, Wellington Registry		Description
	Volume	Folio	
1032 square metres	344	150Ltd	1032 square metres, more or less, situate in the Masterton District, being part Section 68, Town of Masterton.
1275 square metres	503	208	1275 square metres, more or less, situate in Palmerston North City, being part of Section 800 of the Town of Palmerston North.
964 square metres	162	49	964 square metres, more or less, situate in Palmerston North City being part Lot 39, Deposited Plan 1487.

Schedule 2 Proceedings relating to Trust

s 31

1 Meetings

- (1) Meetings of the Trust are to be held at such times and places as the Trust determines.
- (2) At all meetings of the Trust, the quorum necessary for the transaction of business is 5 members.
- (3) All questions arising at any meeting of the Trust must be decided by a majority of the votes cast by the members present at the meeting.
- (4) The Chairperson of the Trust is to preside at all meetings of the Trust at which the Chairperson is present. If the Chairperson and the Deputy Chairperson are absent, the members present must appoint one of their number to be Chairperson of that meeting.
- (5) At any meeting of the Trust the Chairperson or other person presiding has a deliberative vote but, in the case of an equality of votes, does not have a casting vote.
- (6) A resolution in writing signed, or assented to by letter, facsimile, or electronic message, by all members of the Trust is as valid and effectual as if it had been passed at a meeting of the Trust duly called and constituted.
- (7) Where—
 - (a) there is held a telephone or video conference of at least 5 members of the Trust; and
 - (b) all reasonable efforts have been made to enable every member to participate in the conference; and
 - (c) a resolution is assented to by a majority of the members participating in the conference,—the resolution is as valid and effectual as if it had been passed at a meeting of the Trust duly called and constituted.
- (8) A minute of the proceedings at a meeting held under subclause (7) is sufficient evidence of those proceedings, and of the observance of all necessary formalities, if certified as a correct minute by the person presiding at the meeting.
- (9) Except as provided in this Act, the Trust may regulate its procedure at meetings in such manner as it thinks fit.

Compare: 1966 No 27 (L) s 16

2 Special meetings

- (1) A special meeting of the Trust may at any time be convened by the Chairperson, and the Chairperson must call a special meeting whenever requested to do so in writing by not less than 2 members of the Trust.
- (2) Not less than 7 clear days' notice of every special meeting must be given to each member for the time being in New Zealand.
- (3) The notice, which must be in writing, must specify—
 - (a) the time and place of the meeting; and
 - (b) the business to be transacted at the meeting.
- (4) No business other than that specified in the notice may be transacted at the meeting.
- (5) The notice must be given to each member either—
 - (a) personally; or
 - (b) by posting it in a letter addressed to the member at that member's last known place of residence in New Zealand.
- (6) If the notice is posted in accordance with subclause (5)(b), then, in the absence of proof to the contrary, the notice is deemed to have been given to the member to whom the letter was addressed at the time at which the letter would be delivered in the ordinary course of post and, in proving the delivery, it is sufficient to prove that the letter was properly addressed and posted.

3 Special resolution

- (1) The power given by this Act to do anything by special resolution may be exercised by the Trust only in accordance with subclauses (2) to (9).
- (2) The resolution must be passed—
 - (a) at a special meeting; or
 - (b) at any ordinary meeting if—
 - (i) notice of intention to consider the subject matter of the resolution has been given to all the members of the Trust in writing at least 7 clear days before the date of the meeting; or
 - (ii) all the members of the Trust are present at the meeting and unanimously agree to discuss the subject matter of the resolution.
- (3) The resolution must be confirmed at a subsequent meeting (either ordinary or special) held not later than the 70th day after the day of the meeting at which the resolution was passed.
- (4) A copy of the resolution to be confirmed must be deposited at the office of the Trust and must be open for inspection by the public during office hours at that office.
- (5) Public notice of—

- (a) the place, date, and time fixed for the subsequent meeting; and
- (b) the purport of the resolution and of the times when and the place where a copy of the resolution may be inspected—

must be given twice before the date of the subsequent meeting, the first such notice being given not less than 21 days before that date and the second being given not more than 14 nor less than 7 days before that date.

- (6) The public notice must call for any objectors who object to the resolution to state their objections in writing to the Trust not later than the day before the subsequent meeting.
- (7) The notice to the members of the subsequent meeting or the agenda for that meeting must specify the resolution to be confirmed, and that resolution must be confirmed by way of separate resolution and not as part of the approval of the minutes of the meeting at which the resolution was first passed.
- (8) The notice directed to be given by subclause (7) or, as the case may be, the inclusion in the agenda of the resolution to be confirmed or a statement containing its purport is sufficient even though the subsequent meeting may be a special meeting.
- (9) The Trust must, before confirming the special resolution, consider all objections or representations received pursuant to subclause (6).
- (10) Notwithstanding anything in subclauses (1) to (9), a confirming resolution may modify the resolution being confirmed to such extent as the Trust considers necessary by reason of any representations made to it before the date of the meeting at which the resolution being confirmed is confirmed.

Compare: 1966 No 27 (L) s 17

4 Management

- (1) Subject to the provisions of this Act, the Trust may from time to time make regulations for the conduct of business and keeping of minutes for regulating the management of the property of the Trust, and generally for giving effect to the provisions of this Act.
- (2) The Trust may from time to time add to, amend, and revoke any regulations made under subclause (1) or any of them, and may from time to time make additional or substituted regulations for the purposes set out in that subclause.

Compare: 1966 No 27 (L) s 18

5 Power to appoint committees, subcommittees, and other subordinate decision-making bodies

- (1) The Trust may appoint such committees, subcommittees, and other subordinate decision-making bodies as it considers appropriate.
- (2) Subclauses (2) to (7) of clause 30 of Part 1 of Schedule 7 of the Local Government Act 2002 and clause 31 of Part 1 of Schedule 7 of that Act apply, with all necessary modifications, in respect of every such committee, subcommittee, or

other subordinate decision-making body, as if the Trust were a local authority within the meaning of that Act.

Employees

6 Secretary-Manager

- (1) The Trust must appoint a Secretary-Manager.
- (2) The conditions of employment of the Secretary-Manager must be determined by the Trust.

7 Employees

- (1) The Secretary-Manager may appoint such other employees (including acting, temporary, or casual employees), as he or she thinks necessary for the efficient performance or exercise of the functions and powers of the Trust, and may, on behalf of the Trust, negotiate the terms and conditions of employment of any such employees.
- (2) Subject to the terms and conditions of employment, the Secretary-Manager may at any time terminate or suspend the employment of any of the Trust's employees.

Compare: 1966 No 27 (L) s 20

8 Superannuation and retirement gratuities

- (1) For the purpose of providing superannuation or retiring allowances for its employees, the Trust may, out of its funds, make payments to or subsidise any retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013).
- (2) The Trust is deemed to be a local authority for the purposes of section 6 of the Finance Act (No 2) 1941.

Compare: 1966 No 27 (L) s 21

Schedule 2 clause 8(1): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

9 Delegations

- (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the carrying out of the purposes and functions of the Trust, the Trust may delegate to a committee or other subordinate decision-making body, or member or officer of the Trust any of its responsibilities, duties, or powers except—
 - (a) the power to accept trusteeships; or
 - (b) the power to purchase land that is outside the Trust district; or
 - (c) the power to borrow money; or
 - (d) the power to sell, exchange, or otherwise dispose of any land or any buildings; or

- (e) the power to appoint a Secretary-Manager; or
 - (f) the power to adopt policies required to be adopted under this Act.
- (2) Subclauses (2), (3), (4), (7), and (8) of clause 32 of Part 1 of Schedule 7 of the Local Government Act 2002 have effect in relation to the Trust, with all necessary modifications and as if the Trust were a local authority within the meaning of that Act and as if each employee of the Trust were an officer of such a local authority.

General provisions

10 Money to be paid into bank

- (1) All money belonging to the Trust must, within 7 days after it has been received by the proper officer of the Trust, be paid into the account of the Trust at such registered bank within the meaning of the Reserve Bank of New Zealand Act 1989 as the Trust from time to time appoints.
- (2) No money may be withdrawn from the bank except by authority of the Trust and in such manner as the Trust from time to time directs.

Compare: 1966 No 27 (L) s 42

11 Accounts

The Trust must keep at all times proper financial records recording the financial affairs and transactions of the Trust.

Compare: 1966 No 27 (L) s 43(1)

12 Annual accounts

- (1) As soon as practicable after the end of every financial year, the Trust must cause to be prepared financial statements giving a true and fair view of the financial affairs of the Trust for the financial year, and such statements must be presented in accordance with generally accepted accounting practice (within the meaning of section 8 of the Financial Reporting Act 2013).
- (2) In each year the financial statements of the Trust must be audited by the Auditor-General, who is the auditor of the Trust.
- (3) The auditor must report to the Trust.
- (4) The auditor must, with all reasonable speed, return the financial statements to the Trust with the auditor's report.
- (5) The financial statements and the auditor's report must thereupon be printed, and a copy of the financial statements and a copy of the auditor's report as so printed must be deposited in the office of the Trust.
- (6) The copies must be available for inspection by any elector during ordinary office hours free of charge at any time up to the date of the holding of the annual meeting of electors.

- (7) The Trust must furnish a copy of the financial statements as so printed and a copy of the auditor's report as so printed to any elector requiring the same.
- (8) Public notice must be given that the financial statements and the auditor's report have been ordered and printed and are available as aforesaid.

Compare: 1966 No 27 (L) s 44

Schedule 2 clause 12(1): amended, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

13 Annual meeting

- (1) The Trust must in each year call an annual meeting of electors to be held not later than 5 months after the balance date of the Trust.
- (2) The Trust must give not less than 7 clear days' public notice of the time and place appointed for the holding of the annual meeting.
- (3) At the annual meeting the Chairperson of the Trust or, in his or her absence, the Deputy Chairperson, must preside. If neither the Chairperson nor the Deputy Chairperson is present at the meeting, the members of the Trust who are present must appoint one of their number to preside.
- (4) At the annual meeting the annual report and financial statements for the preceding financial year and the auditor's report on those financial statements must be submitted.

Compare: 1966 No 27 (L) s 45

14 Unauthorised expenditure

The Trust may, in every financial year, expend out of the income of the Trust for purposes not authorised by any other provision of this Act or by any other Act, any sum or sums not exceeding in the aggregate 2% of the gross rentals derived during that financial year from the Trust lands.

Compare: 1966 No 27 (L) s 46

15 Indemnity of members of Trust

No member—

- (a) is personally liable for any act done or omitted by the Trust, or by any member of the Trust in good faith in the course of the operations of the Trust; or
- (b) is answerable for the act of any other member; or
- (c) is answerable for any loss that may arise by reason of any money of the Trust being deposited in any bank, or in the hands of any agent or employee of the Trust; or
- (d) is answerable for any loss in the execution of any of the trusts or powers declared in this Act,—

unless the same happens through the wilful neglect or default of the member.

Compare: 1966 No 27 (L) s 48

16 Validity of proceedings

No act or proceeding of the Trust, or of any person acting as a member of the Trust, is invalidated in consequence of there being a vacancy in the membership of the Trust at the time of the act or proceeding, or of the subsequent discovery that there was some defect with regard to the election of any member of the Trust or of any person so acting or that he or she was or had become disqualified.

Compare: 1966 No 27 (L) s 19

17 Use of common seal

- (1) The common seal of the Trust may not be affixed to any document except pursuant to a resolution of the Trust.
- (2) The execution of any document sealed with the seal of the Trust must be attested—
 - (a) by 2 members of the Trust; or
 - (b) by the Secretary-Manager of the Trust and 1 member of the Trust.

Reprints notes

1 *General*

This is a reprint of the Masterton Trust Lands Act 2003 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Trusts Act 2019 (2019 No 38): section 161

District Court Act 2016 (2016 No 49): section 261

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 126

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Criminal Procedure Act 2011 (2011 No 81): section 413