

Reprint
as at 1 July 2003



**Ngarimu VC and 28th (Maori)
Battalion Memorial Scholarship
Fund Act 1945**

Public Act 1945 No 33
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Contents

	Page
Title	2
Preamble	2
1 Short Title	2
2 Interpretation	2
3 Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund established	3
4 Establishment of Board to administer Fund	3
5 Term of office of members of Board	5
6 Meetings of Board	5
6A Standing Committee	6
7 Functions of Board	7
8 Income of Fund available for distribution	8
9 Annual grant to Board	8
10 Investment of moneys	8

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Education.

11	Local authorities and others may contribute to Fund	8
12	Travelling expenses of Board	9
13	Members of Board not personally liable	9
14	Statement of account	9
15	Annual report	10

An Act to establish a fund to be known as the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund, to commemorate the service of 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 provision for the control and administration of the Fund

Preamble

Whereas it is considered desirable to commemorate in a practical manner the service of the Maoris and, in particular, the service 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, 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.

1 Short Title

This Act may be cited as the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Act 1945.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Board established by this Act

financial year means a year ending on 31 December

Fund means the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund established by this Act

local authority means a local authority within the meaning of the Local Government Act 2002

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

Minister means the Minister of Education.

Section 2 **financial year**: amended, on 12 September 1974, by section 2 of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1974 (1974 No 52).

Section 2 **local authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

3 Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund established

- (1) There is hereby established a fund to be called the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund which shall consist of—
 - (a) all the moneys mentioned in the preamble of 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:
 - (c) all accumulations of moneys belonging to the Fund.
- (2) All moneys belonging to the Fund shall be paid to the Māori Trustee, who shall hold them in a separate account to be called the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship 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.

Section 3(2): amended, on 27 November 1947, pursuant to section 2(2) of the Maori Purposes Act 1947 (1947 No 59).

4 Establishment of Board to administer Fund

- (1) For the purpose of administering the Fund there is hereby established a Board to be called the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Board.
- (2) The Board shall consist of—
 - (a) the Minister, who shall be the Chairman of the Board:

- (aa) the Minister of Maori Affairs:
 - (b) the Secretary of Education, who shall be the Deputy Chairman of the Board:
 - (c) those members of Parliament who represent the Maori electoral districts:
 - (d) 4 Maori, each of whom has been (but is no longer) a member of the Armed Forces, who are to be appointed by the Governor-General:
 - (e) 1 Maori to be nominated by the descendants of Hamuera Ngarimu and Maraea Ngarimu and to be appointed by the Governor-General on the recommendation of the Judge of the Maori Land Court for the Tairawhiti District:
 - (ea) 1 Maori who, having received assistance from the Fund to undertake a course of study at a university, has successfully completed that course of study, to be appointed by the Governor-General on the recommendation of the Minister:
 - (f) not more than 2 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 doing and suffering all that bodies corporate may do and suffer.

(4) *[Repealed]*

Section 4(2)(aa): inserted, on 19 December 1998, by section 2(1) of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1998 (1998 No 120).

Section 4(2)(b): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 4(2)(c): replaced, on 19 December 1998, by section 2(2) of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1998 (1998 No 120).

Section 4(2)(d): replaced, on 19 December 1998, by section 2(2) of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1998 (1998 No 120).

Section 4(2)(e): replaced, on 8 March 1985, by section 2(1) of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1985 (1985 No 33).

Section 4(2)(ea): inserted, on 8 March 1985, by section 2(1) of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1985 (1985 No 33).

Section 4(2)(ee): repealed, on 8 March 1985, by section 2(1) of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1985 (1985 No 33).

Section 4(4): repealed, on 29 September 1954, by section 7(1) of the Local Authorities (Members' Contracts) Act 1954 (1954 No 49).

5 Term of office of members of Board

- (1) The members of the Board to be appointed by the Governor-General shall be appointed for a term not exceeding 3 years, and any such member 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 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.

6 Meetings of Board

- (1) Meetings of the Board shall be held at such 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 Chairman, 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 5 members 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 equality of votes shall also have a casting vote.
- (6) Subject to the provisions of this Act, the Board shall regulate its own procedure.

6A Standing Committee

- (1) The Board may establish a Standing Committee consisting of the Chairman of the Board and any 2 other members of the Board.
- (2) The Board may delegate such of its functions and powers as it sees fit to the Standing Committee, except this power of delegation.
- (3) The Deputy Chairman of the Board may act in the place of the Chairman of the Board at any meeting of the Standing Committee from which the Chairman of the Board is absent.
- (4) Any member of the Board may, at the request of the Chairman or the Deputy Chairman, act in the place of any member of the Committee (other than the Chairman) at any meeting of the Committee from which the member of the Committee is absent.
- (5) The Chairman of the Board, or in his absence the Deputy Chairman of the Board, shall be the Chairman of the Committee.
- (6) While the Deputy Chairman acts in the place of the Chairman, or any member of the Board acts in the place of any member of the Committee (other than the Chairman), under this section the Deputy Chairman or the member, as the case may require, shall be deemed for all purposes to be a member of the Standing Committee; and the fact that the Deputy Chairman or any member of the Board attends any meeting shall be sufficient evidence of his authority to do so.
- (7) Subject to the provisions of this section and to any general or special conditions attached by the Board, the Standing Committee may exercise and perform any functions and powers delegated to it by the Board in the same manner and with the same effect as if those functions and powers had been directly conferred on the Committee by this Act and not by delegation.
- (8) Any delegation under this section may at any time be revoked by the Board.
- (9) Where the Standing Committee purports to act pursuant to any delegation under this section it shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

- (10) No delegation under this section shall prevent the Board from exercising any of its functions and powers.
- (11) Subject to the provisions of this Act, the Committee appointed under this section may regulate its procedure in such manner as it thinks fit.

Section 6A: inserted, on 12 September 1974, by section 3 of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1974 (1974 No 52).

7 Functions of Board

- (1) The general function of the Board shall be to administer the Fund in accordance with the provisions 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 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 Maoris of scholarships of such value and upon such conditions of tenure as the Board in its discretion may determine:
 - (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 or to any other subject connected with the Maori people:
 - (d) the preparation or production of textbooks 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 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 ap-

plication of any grant or of any other moneys expended under this Act otherwise than by the Board itself.

8 Income of Fund available for distribution

- (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:

provided that any accumulations of income in respect of the moneys mentioned in the preamble of 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 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.

9 Annual grant to Board

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 otherwise, 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.

10 Investment of moneys

Any part of the Fund available for investment may be invested in any investments for the time being authorised by law for the investment of trust funds.

11 Local authorities and others may contribute to Fund

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 instru-

ment of trust, make to the Board, and the Board may accept, grants or donations of money for the purposes of the Fund.

12 Travelling expenses of Board

The Board shall pay out of the Fund to its members (other than the Minister and the Maori Members of Parliament) travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Section 12: replaced, on 1 April 1952, by section 10(1) of the Fees and Travelling Allowances Act 1951 (1951 No 79).

13 Members of Board not personally liable

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.

14 Statement of account

- (1) The Board shall, before 1 April in each year, cause to be prepared in respect of the Fund a true statement of account, in a form for the time being approved by the Controller and Auditor-General, which shall include:
 - (a) a statement of financial position showing the assets and liabilities of the Fund at the end of the immediately preceding financial year:
 - (b) an income and expenditure account showing the financial transactions for the immediately preceding financial year.
- (2) The Board 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.

Section 14: replaced, on 12 September 1974, by section 4(1) of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1974 (1974 No 52).

Section 14(1)(a): amended, on 1 October 1997, pursuant to section 6(1) of the Financial Reporting Amendment Act 1997 (1997 No 17).

Section 14(2): replaced, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

15 Annual report

- (1) As soon as practicable after the end of each financial year the Board shall furnish to the Minister a report of its operations and proceedings during that year, together with a copy of its statement of account for that year with the report of the Auditor-General thereon.
- (2) A copy of the annual report and of the statement of account with the report of the Auditor-General thereon shall be laid before Parliament as soon as practicable after their receipt by the Minister.

Section 15: inserted, on 12 September 1974, by section 4(1) of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1974 (1974 No 52).

Section 15(1): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 15(2): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Act 1945. The reprint incorporates all the amendments to the Act as at 1 July 2003, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Local Government Act 2002 (2002 No 84): section 262

Public Audit Act 2001 (2001 No 10): sections 52, 53

Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1998 (1998 No 120)

Financial Reporting Amendment Act 1997 (1997 No 17): section 6(1)

Education Act 1989 (1989 No 80): section 144(2)

Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1985 (1985 No 33)

Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1974 (1974 No 52)

Local Authorities (Members' Contracts) Act 1954 (1954 No 49): section 7(1)

Fees and Travelling Allowances Act 1951 (1951 No 79): section 10(1)

Maori Purposes Act 1947 (1947 No 59): section 2(2)
