Version
as at 5 June 2024

Maori Trust Boards Act 1955

Public Act	1955 No 37
Date of assent	20 October 1955
Commencement	see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by Te Puni Kōkiri.

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1 Short Title and commencement

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

(2) This Act shall come into force on 1 January 1956.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

accounting period, for a Board, means—

(a) a period of 1 year ending on the Board's balance date; or

(b) if the Board's balance date changes, the period starting on the day after the last balance date before the change and ending on the new balance date

adult beneficiary means a beneficiary who is 18 years of age or over

balance date, for a Board, means—

(a) the end of 31 March; or

(b) the end of another date that the Board adopts as its balance date, as long as a balance date is never more than 15 months after the last balance date

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

committee means a committee appointed by a Board under section 20

electronic voting system means an electronic voting system provided for by regulations made under this Act

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

Maori Trust Board or **Board** means any Maori Trust Board referred to in Part 1; and includes any body that is declared by any enactment to be a Maori Trust Board within the meaning of this Act

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of this Act.

(2) *[Repealed]*

Section 2(1) **accounting period**: inserted, on 16 September 2011, by section 4(1) of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

Section 2(1) **adult beneficiary**: inserted, on 23 May 2008, by section 4(1) of the Maori Trust Boards Amendment Act 2008 (2008 No 33).

Section 2(1) **balance date**: inserted, on 16 September 2011, by section 4(1) of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

Section 2(1) **electronic voting system**: inserted, on 29 November 2022, by section 22(1) of the Māori Purposes Act 2022 (2022 No 73).

Section 2(1) **Minister**: replaced, on 29 November 2022, by section 22(2) of the Māori Purposes Act 2022 (2022 No 73).

Section 2(2): repealed, on 16 September 2011, by section 4(2) of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

Part 1
Constitution of Maori Trust Boards

Aorangi Maori Trust Board

3 Aorangi Maori Trust Board

(1) The trustees appointed under section 62 of the Maori Purposes Act 1950 and in office at the commencement of this Act are hereby constituted a Maori Trust Board to be known as the Aorangi Maori Trust Board.

(2) All the real and personal property held by the trustees upon trusts declared pursuant to the said section 62, of whatsoever nature and wheresoever situate, shall, on the commencement of this Act, without the necessity of any instrument of transfer or other assurance, be transferred to and vest in the Board, which shall administer all such property in accordance with the provisions of this Act.

(3) The beneficiaries of the Board are hereby declared to be the persons determined by the Maori Land Court by an order dated 21 August 1925 to be entitled to the money referred to in subsection (4) of the said section 62 and the descendants of those persons.

(4) Every trustee appointed as aforesaid in office at the commencement of this Act shall be deemed to have been appointed as a member of the Board for a term expiring on 31 July 1956.

Arawa Maori Trust Board

[Repealed]

Heading: repealed, on 26 September 2006, pursuant to section 96(2) of the Te Arawa Lakes Settlement Act 2006 (2006 No 43).

4 Arawa Maori Trust Board

[Repealed]

Section 4: repealed, on 26 September 2006, by section 96(2) of the Te Arawa Lakes Settlement Act 2006 (2006 No 43).

Aupouri Maori Trust Board

[Repealed]

Heading: repealed, on 17 December 2015, pursuant to section 206(2) of the Te Aupouri Claims Settlement Act 2015 (2015 No 77).

5 Aupouri Maori Trust Board

[Repealed]

Section 5: repealed, on 17 December 2015, by section 206(2) of the Te Aupouri Claims Settlement Act 2015 (2015 No 77).

Ngaitahu Maori Trust Board

[Repealed]

Heading: repealed, on 24 April 1996, pursuant to section 34(1) of the Te Runanga o Ngai Tahu Act 1996 (1996 No 1 (P)).

6 Ngaitahu Maori Trust Board

[Repealed]

Section 6: repealed, on 24 April 1996, by section 34(1) of the Te Runanga o Ngai Tahu Act 1996 (1996 No 1 (P)).

6A Ngati Whatua o Orakei Maori Trust Board

[Repealed]

Section 6A: repealed, on 1 February 2013, by section 101 of the Ngāti Whātua Ōrākei Claims Settlement Act 2012 (2012 No 91).

Tainui Maori Trust Board

[Repealed]

Heading: repealed, on 30 April 1999, pursuant to section 28(4)(a) of the Waikato Raupatu Claims Settlement Act 1995 (1995 No 58).

7 Tainui Maori Trust Board

[Repealed]

Section 7: repealed, on 30 April 1999, by section 28(4)(a) of the Waikato Raupatu Claims Settlement Act 1995 (1995 No 58).

Taitokerau Maori Trust Board

8 Taitokerau Maori Trust Board

(1) The body corporate constituted pursuant to section 28 of the Maori Purposes Act 1953, under the name of the Taitokerau Maori Trust Board, shall continue to exist under that name.

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

Taranaki Maori Trust Board

9 Taranaki Maori Trust Board

(1) The body corporate constituted as a Board of Management under section 49 of the Maori Purposes Act 1931 under the name of the Taranaki Maori Trust Board shall continue to exist under that name and shall be a Maori Trust Board.

(2) *[Repealed]*

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

Section 9(2): repealed, on 29 November 2022, by section 23 of the Māori Purposes Act 2022 (2022 No 73).

9A Tuhoe-Waikaremoana Maori Trust Board constituted

[Repealed]

Section 9A: repealed, on 28 July 2014, by section 107 of the Tūhoe Claims Settlement Act 2014 (2014 No 50).

Tuwharetoa Maori Trust Board

10 Tuwharetoa Maori Trust Board

(1) The body corporate constituted by section 16 of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926 under the name of the Tuwharetoa Trust Board and continued in existence by section 55 of the Maori Purposes Act 1931 shall continue to exist and shall henceforth be known as the Tuwharetoa Maori Trust Board (the **Board**).

(2) Without further appropriation than this section, the sum of $1,500,000, or a greater or lesser sum that is agreed between the Crown and the Board, in accordance with the deed defined in subsection (3), must be paid out of public money to the Board on 1 July in each year.

(3) In subsection (2), **deed** means the deed entered into on 10 September 2007 by Her Majesty the Queen in right of New Zealand acting by and through the Minister of Conservation (the **Crown**) and the Board established under subsection (1).

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

Section 10(1): amended, on 23 May 2008, by section 5(1) of the Maori Trust Boards Amendment Act 2008 (2008 No 33).

Section 10(2): replaced, on 23 May 2008, by section 5(2) of the Maori Trust Boards Amendment Act 2008 (2008 No 33).

Section 10(3): replaced, on 23 May 2008, by section 5(2) of the Maori Trust Boards Amendment Act 2008 (2008 No 33).

Wairoa-Waikaremoana Maori Trust Board

Heading: amended, on 17 December 1971, pursuant to section 6(2) of the Lake Waikaremoana Act 1971 (1971 No 152).

11 Wairoa-Waikaremoana Maori Trust Board

(1) The body corporate constituted pursuant to section 29 of the Maori Purposes Act 1949, under the name of the Wairoa-Waikaremoana Maori Trust Board, shall continue to exist under that name.

(2) The beneficiaries of the Board are hereby declared to be the members of the Ngati Kahungunu tribe residing in the Borough of Wairoa or the County of Wairoa together with the persons (wherever resident) whose names are comprised in the Ngati Kahungunu portion of the list of owners of Lake Waikaremoana, as certified by the Registrar of the Maori Land Court pursuant to subsection (3) of section 9 of the Lake Waikaremoana Act 1971, and the descendants (wherever resident) of those persons.

(3) The sum of 20,000 pounds of the Board's funds shall be invested by the Board in any manner authorised by or under the Trustee Act 1908 or any other Act for the investment of trust funds.

(4) Any investment made pursuant to subsection (3) may, with the approval of the Minister, be converted into money for expenditure by the Board on purposes approved by him.

Section 11 heading: amended, on 17 December 1971, pursuant to section 6(2) of the Lake Waikaremoana Act 1971 (1971 No 152).

Section 11(1): amended, on 17 December 1971, by section 6(2) of the Lake Waikaremoana Act 1971 (1971 No 152).

Section 11(2): replaced, on 20 October 1972, by section 15(1) of the Maori Purposes Act 1972 (1972 No 135).

Whakatohea Maori Trust Board

[Repealed]

Heading: repealed, on 5 June 2024, by section 205(2) of the Whakatōhea Claims Settlement Act 2024 (2024 No 15).

12 Whakatohea Maori Trust Board

[Repealed]

Section 12: repealed, on 5 June 2024, by section 205(2) of the Whakatōhea Claims Settlement Act 2024 (2024 No 15).

Part 2
General provisions relating to Maori Trust Boards

13 Boards to be bodies corporate

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

14 Membership of Boards

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

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

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

(a) a person who is subject to a personal order or a property order made under the Protection of Personal and Property Rights Act 1988 or for whom a trustee corporation is acting as manager under section 32 or 33 of that Act; or

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

(c) a person convicted of any offence punishable by imprisonment for a term of 6 months or longer, unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed upon him.

(4) No person shall be capable of being elected or appointed to be, or of being, a member of a Board unless he is, in relation to that Board, a beneficiary.

(5) Where the members of a Board are to be elected or appointed to represent different sections or divisions of the beneficiaries, no beneficiary shall be capable of being elected or appointed to be, or of being, a member representing a particular section or division unless he himself belongs to that section or division.

(6) Where a person is qualified to belong to more than 1 section or division of the beneficiaries, he shall not be capable of being elected or appointed to be, or of being, a member representing a section or division other than the one in which he elects to be enrolled in accordance with section 42(6).

Section 14(3)(a): replaced, on 10 September 2008, by section 8(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Section 14(4): inserted, on 1 October 1983, by section 2(1) of the Maori Trust Boards Amendment Act 1983 (1983 No 19).

Section 14(5): inserted, on 1 October 1983, by section 2(1) of the Maori Trust Boards Amendment Act 1983 (1983 No 19).

Section 14(6): inserted, on 1 October 1983, by section 2(1) of the Maori Trust Boards Amendment Act 1983 (1983 No 19).

15 Term of office of members

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

(2) Except as otherwise provided by this or any other Act, every member of a Board shall be appointed for a term of 3 years, and any member may from time to time be reappointed.

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

16 Extraordinary vacancies

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

(1A) If a Board receives the resignation in writing of a member, it must notify the Minister as soon as practicable after receipt of the resignation.

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

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

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

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

Section 16(1): amended, on 29 November 2022, by section 24(1) of the Māori Purposes Act 2022 (2022 No 73).

Section 16(1): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

Section 16(1A): inserted, on 29 November 2022, by section 24(2) of the Māori Purposes Act 2022 (2022 No 73).

17 Appointment of Chairman and Deputy Chairman

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

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

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

18 Meetings of Board

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

(2) Except as provided by subsection (1), meetings of each Board shall be held at such times and places as the Board from time to time appoints:

provided that the first meeting of any Board following the triennial appointment of its members shall be held at such time and place as the Secretary, after consultation with a quorum of the members, appoints, being not later than 2 months after the date of the appointment of its members as aforesaid.

(3) The Minister or the Chairman may at any time call a special meeting of a Board, and any 3 members of a Board may at any time by notice in writing request the Chairman to call a special meeting of the Board, and thereupon the Chairman shall call a special meeting of the Board, to be held no later than 1 month after the day he received the notice.

(4) At all meetings of a Board a quorum shall consist of half of the number of members, or, where the number of members is not a multiple of 2, of half of the next highest number which is a multiple of 2.

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

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

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

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

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

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

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

19 Officers of Board

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

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

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

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

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

19A Gratuities payable on retirement or death of employees

(1) On the retirement from the service of any Board of any employee whose total length of service with the Board has been not less than 10 years, the Board may, with the prior approval of the Minister, pay to him, by way of gratuity, an amount not exceeding an amount equal to 6 months' pay at the rate payable to him at the time of his retirement.

(2) On the death of any such employee (whether before or after his retirement but before he has received a gratuity under subsection (1)) the Board may, with the prior approval of the Minister, pay to his dependants or any of them, by way of gratuity, an amount not exceeding an amount equal to 6 months' pay at the rate payable to him at the time of his retirement or (if he died before retirement) at the time of his death.

Section 19A: inserted, on 17 December 1968, by section 13(1) of the Maori Purposes Act 1968 (1968 No 127).

Committees

20 Board may appoint committees

(1) Each Board may from time to time, by resolution, appoint a committee or committees, consisting of 2 or more persons, of whom at least 1 shall be a member of the Board, and, subject to the provisions of subsection (3), may by resolution delegate to any such committee any of the powers or duties of the Board, except the power of delegation conferred by this section and the powers conferred by section 19, section 26, or section 27.

(2) Every resolution under subsection (1) delegating any powers or duties to a committee shall specify in full the powers or duties so delegated.

(3) *[Repealed]*

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

Section 20(3): repealed, on 24 June 1996, by section 2(1) of the Maori Trust Boards Amendment Act 1996 (1996 No 36).

21 Chairman of committee

The Chairman of a committee may be appointed and removed by the Board:

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

22 Meetings of committees

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

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

(3) All proceedings and resolutions of each committee shall be recorded in a minute book to be kept for the purpose, and, as soon as practicable after the conclusion of each meeting, a copy of the minutes of that meeting shall be forwarded to the Secretary of the Board by which the committee was appointed.

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

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

23 Committee to be subject to control of Board

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

Councils

Heading: inserted, on 18 January 1989, by section 2 of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

23A Council of elders

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

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

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

Section 23A: inserted, on 18 January 1989, by section 2 of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

23B Council of young people

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

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

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

Section 23B: inserted, on 18 January 1989, by section 2 of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

Requirement for annual hui

Heading: inserted, on 16 September 2011, by section 5 of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

23C Annual hui

(1) A Board must hold a hui for the beneficiaries of the Board no later than 6 months after the balance date of the prior accounting period.

(2) The Board must do the following things at the hui:

(a) report on its activities since the last hui:

(b) report on the activities it plans for the future:

(c) present its annual report (prepared under section 31) for the prior accounting period:

(d) present a budget (prepared under section 31A) for the next accounting period that starts after the hui.

(3) To avoid doubt, this section and sections 23D and 31 to 32 do not limit the Maori Fisheries Act 2004 in relation to a Board that is a mandated iwi organisation under that Act.

Section 23C: inserted, on 16 September 2011, by section 5 of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

23D Notice of annual hui

(1) A Board must give public notice of the following matters to its beneficiaries:

(a) the time and location of a hui to be held under section 23C; and

(b) details of when and how a beneficiary may obtain a copy (whether printed or electronic) of the annual report to be presented at the hui.

(2) The notice must be given no later than 3 months before the date of the hui.

(3) Section 46(2) applies to the notice.

Section 23D: inserted, on 16 September 2011, by section 5 of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

Functions and powers of Boards

24 Functions of Board

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

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

(a) the promotion of health:

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

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

(iii) by providing, subsidising, or making grants for medical, nursing, or dental services:

(b) the promotion of social and economic welfare:

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

(ii) by developing, subsidising, or making grants or loans for farming or other industries;

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

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

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

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

(vii) by purchasing, acquiring, holding, selling, disposing of, or otherwise turning to account shares in any body corporate that has as one of its principal objects the economic or social advancement of Maoris, or the development of land:

(c) the promotion of education and vocational training:

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

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

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

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

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

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

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

Section 24(2)(b)(vi): amended, on 23 October 1981, by section 7 of the Maori Purposes Act 1981 (1981 No 112).

Section 24(2)(b)(vii): inserted, on 23 October 1981, by section 7 of the Maori Purposes Act 1981 (1981 No 112).

24A Powers of Maori Trust Boards

Any Board may from time to time, in its discretion—

(a) make grants to the Maori Education Foundation established by the Maori Education Foundation Act 1961:

(b) make payments, not exceeding in the aggregate the sum of 200 pounds in any accounting period, for any purposes not otherwise specifically authorised by this Act,—

whether or not any such grants or payments are of a direct or indirect benefit to the beneficiaries of the Board, or any of them.

Section 24A: inserted, on 1 December 1961, by section 19(1) of the Maori Purposes Act 1961 (1961 No 129).

Section 24A(b): amended, on 16 September 2011, by section 6 of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

24B Trusts for charitable purposes

(1) Any Board may from time to time, in its discretion, execute under its seal a declaration of trust declaring that it shall stand possessed of any of its property, whether real or personal, upon trust for charitable purposes.

(2) Any income derived by the Board from any property to which the declaration relates shall be applied for such purposes referred to in section 24 or section 24A as may be specified in the declaration of trust; and, for the purposes of the Income Tax Act 2007, any such income shall be deemed to be income derived by trustees in trust for charitable purposes.

(3) No declaration of trust under this section shall have any force or effect unless it has been approved by the Commissioner of Inland Revenue.

Section 24B: inserted, on 5 December 1962, by section 3(1) of the Maori Trust Boards Amendment Act 1962 (1962 No 47).

Section 24B(2): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

24C Maori Trust Board may accept trusts

Notwithstanding anything in any other provision of this Act, a Board may accept and hold or otherwise deal with any property upon trust for the benefit of the Board's beneficiaries or any of them or for the benefit of any group of persons which includes any such beneficiaries. Any property held by a Board pursuant to this section shall be dealt with in accordance with the terms of the trust and shall not constitute an asset of the Board for the general purposes of this Act.

Section 24C: inserted, on 17 December 1971, by section 8 of the Maori Purposes Act 1971 (1971 No 151).

24D Board may take part in government schemes, etc

(1) A Board may enter into any contract with, or accept grants or loans from, any government department or other instrument of the Crown, or any other organisation or agency approved by the Minister, for the purpose of any scheme relating to—

(a) the placement of Maori in industry and other forms of employment; and

(b) the education, vocational guidance, and training of Maori; and

(c) the provision of housing and the improvement of the living conditions of Maori; and

(d) the promotion of health among Maori; and

(e) the broadening of the Maori economic base through the provision of funds for lending to Maori for enterprise development; and

(f) the cultural, social, and economic development of Maori; and

(g) social welfare programmes for Maori.

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

Section 24D: inserted, on 18 January 1989, by section 3 of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

24E Board may be appointed in place of committee of management

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

Section 24E: inserted, on 18 January 1989, by section 3 of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

24F Board may contract to provide services to other bodies

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

Section 24F: inserted, on 18 January 1989, by section 3 of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

25 Loans by Board

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

25A Powers of Maori Trust Boards

Any Board may from time to time, in its discretion, invest any of its funds not required for other purposes in accordance with the Trusts Act 2019.

Section 25A: inserted, on 1 December 1961, by section 19(2) of the Maori Purposes Act 1961 (1961 No 129).

Section 25A: amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

26 Power to acquire lands and to farm

(1) Each Board may acquire any land or any interest in land, whether by way of purchase, lease, or otherwise and may sell, lease, sublease, or otherwise dispose of any such land or interest.

(2) Each Board may:

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

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

(3) For the purpose of farming any land acquired under this section, each Board may, from time to time, purchase or otherwise acquire such stock, implements, and chattels as it deems necessary; and may sell or otherwise dispose of all or any stock, crops, produce, or chattels grown or held in the course of farming; and for the purpose of any such farming business may, from time to time, raise such money as it deems necessary on the security of any of its stock, crops, produce, or chattels.

(4) A Board may appoint an agent to exercise on its behalf the powers conferred on it by paragraph (a) of subsection (2) to occupy and manage land for farming, reclamation, or other purposes, and the Board may authorise any such agent—

(a) to exercise such of the powers of the Board as the Board may from time to time in writing direct; and

(b) to receive, notwithstanding anything to the contrary in this or any other Act, money otherwise payable to the Board into an account kept by the agent, and, without further authority, to disburse any such money in the course of and for the purposes of the operations conducted by the agent.

(5) *[Repealed]*

Section 26(1): replaced, on 24 June 1996, by section 3 of the Maori Trust Boards Amendment Act 1996 (1996 No 36).

Section 26(4): inserted (with effect on 1 September 1961), on 1 December 1961, by section 20(1) of the Maori Purposes Act 1961 (1961 No 129).

Section 26(5): repealed, on 21 October 1982, by section 3(5) of the Rural Banking and Finance Corporation Amendment Act 1982 (1982 No 28).

27 Power to borrow money and guarantee loans

For any of the purposes of this Act, each Board may, from time to time,—

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

(b) guarantee to the Sovereign or to any other person or body corporate the repayment of any principal sum or interest thereon by any person.

Section 27: amended, on 24 June 1996, by section 4 of the Maori Trust Boards Amendment Act 1996 (1996 No 36).

Section 27(b): editorial change made by the PCO, on 29 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Accounts

28 Bank accounts

(1) Subject to any express provisions in this or any other enactment, all money belonging to each Board shall, within 14 days of receipt, be paid into a bank account to be called "The [*name of Board*] Maori Trust Board Account".

(2) No money shall be withdrawn from a Maori Trust Board Account except with the authority of the Board and by cheque or other instrument signed by 2 members or by 1 member and the Secretary.

Section 28(1): amended, on 24 June 1996, by section 5(1) of the Maori Trust Boards Amendment Act 1996 (1996 No 36).

Section 28(2): amended, on 23 November 1973, by section 21(b) of the Maori Purposes Act (No 2) 1973 (1973 No 106).

Section 28(2) proviso: repealed, on 24 June 1996, by section 5(2) of the Maori Trust Boards Amendment Act 1996 (1996 No 36).

29 Minister may authorise countersigning officer

[Repealed]

Section 29: repealed, on 24 June 1996, by section 6(1) of the Maori Trust Boards Amendment Act 1996 (1996 No 36).

30 Books of account

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

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

30A Auditor-General to be auditor of Board

[Repealed]

Section 30A: repealed, on 16 September 2011, by section 7 of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

Annual reporting and other accountability requirements

Heading: inserted, on 16 September 2011, by section 7 of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

31 Annual report (including financial statements)

(1) After an accounting period ends, a Board must prepare an annual report on the Board's affairs during the accounting period.

(2) The annual report for an accounting period must be prepared at least 1 month before the day on which the hui to present the report is to be held under section 23C.

(3) The annual report must include—

(a) financial statements for the Board for the accounting period; and

(b) the auditor's report on the financial statements.

(4) The financial statements must comply with generally accepted accounting practice.

(5) The financial statements and the annual report must be dated and signed on behalf of the Board by 2 members and the Secretary of the Board.

(6) In this section,—

financial statements has the meaning given by section 6 of the Financial Reporting Act 2013

generally accepted accounting practice has the meaning given by section 8 of the Financial Reporting Act 2013.

Section 31: replaced, on 16 September 2011, by section 7 of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

Section 31(3)(a): replaced, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 31(6): replaced, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

31A Annual budget

Before the start of an accounting period, a Board must prepare a budget for the accounting period that states the Board's expected income and expenditure for the period.

Section 31A: inserted, on 16 September 2011, by section 7 of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

31B Audit requirements

(1) A Board must—

(a) have its annual financial statements audited; and

(b) obtain the auditor's report on the financial statements.

(2) The auditor must be a qualified auditor within the meaning of section 35 of the Financial Reporting Act 2013.

(3) *See* sections 37 to 39 of the Financial Reporting Act 2013 (which provide for the appointment of a partnership and access to information in relation to a Board).

Section 31B: inserted, on 16 September 2011, by section 7 of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

Section 31B(2): replaced, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 31B(3): inserted, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

32 Annual report and budget must be provided to Minister

(1) A Board must provide copies of the following documents to the Minister for his or her information:

(a) an annual report prepared under section 31:

(b) a budget prepared under section 31A.

(2) The copy of a document must be provided no later than 1 month after the document is prepared.

Section 32: replaced, on 16 September 2011, by section 7 of the Maori Trust Boards Amendment Act 2011 (2011 No 75).

Miscellaneous

33 Minister may direct investigation of Board's affairs

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

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

(3) Any notice under subsection (2) may at any time be revoked by a subsequent notice.

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

(5) While any notice under subsection (2) remains in force, no payment to the Board of public money authorised by this Act shall be made.

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

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

(a) recommend the removal from office of any member or members of the Board under section 16:

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

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

(8) If within 1 month after the receipt by the Board of a requisition in writing by the Minister under paragraph (b) or paragraph (c) of subsection (7), the Board fails or neglects to comply with the requisition, or, having commenced any action required, at any time thereafter fails or neglects to complete the action to the satisfaction of the Minister, the Minister may, by writing under his hand, authorise some officer of the public service to take action in the name of the Board to fulfil the requisition.

(9) Every act done pursuant to an authority given by the Minister under subsection (8) shall have the same force and effect as if it had been done by the Board concerned, and every instrument of alienation executed pursuant to any such authority shall have the same force and effect and may be registered in the same manner as if it had been lawfully executed by the Board.

(10) Where during any investigation directed under subsection (1), a Board or any of its members, servants, officers, or agents fails or neglects to comply with the requirements of subsection (6), the Minister shall have and may exercise the powers conferred on him by subsections (7) and (8), notwithstanding that the investigation is not completed and that no report thereon has been delivered to the Minister.

Section 33(2): amended (with effect on 1 July 1989), on 26 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 33(5): amended (with effect on 1 July 1989), on 26 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 33(8): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

34 Seals

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

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

35 Beneficiaries not to acquire vested interest

No beneficiary shall acquire or be deemed ever to have acquired any interest, whether vested or contingent, or legal or equitable, in the assets of the Board of which he is a beneficiary.

36 Contracts of Board

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

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

(3) Any contract which, if made between private persons, may be made orally may be similarly made by or on behalf of a Board by any member or the Secretary, acting by direction of the Board, but no oral contract shall be made for any sum exceeding 10 pounds.

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

37 Members of Board not personally liable, and not debarred from benefits

(1) No member of a Board shall be personally liable for any act or default done or made by the Board or by any member thereof in good faith in the course of the operations of the Board.

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

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

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

38 Mortgages to Boards

Notwithstanding anything to the contrary in the Maori Affairs Act 1953, no mortgage or charge of Maori land in favour of a Board shall require confirmation under Part 19 of that Act.

39 Assignment of rents to Boards

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

40 Change of name not to affect rights or obligations

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

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

Section 40(2): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

41 Remuneration of members

A Board may pay to its members remuneration for services provided as a member by way of—

(a) fees, salary, or allowances; and

(b) travelling allowances or expenses.

Section 41: replaced, on 29 November 2022, by section 25 of the Māori Purposes Act 2022 (2022 No 73).

41A Payments to Maori Trust Boards by Crown not to constitute income for taxation purposes

(1) No money paid to a Maori Trust Board from public money pursuant to any provision contained in Part 1, and no money so paid under the corresponding provisions of any Act repealed by this Act, shall, for the purposes of the Income Tax Act 2007, or the Social Security Act 2018, or any other enactment, be deemed to be income of that Board.

(2) The provisions of subsection (1) shall apply to all money paid or payable to the Tuwharetoa Maori Trust Board pursuant to section 10.

Section 41A: inserted, on 24 October 1957, by section 14 of the Maori Purposes Act 1957 (1957 No 81).

Section 41A(1): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 41A(1): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 41A(1): amended (with effect on 1 July 1989), on 26 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Part 3
Elections

Roll of beneficiaries

42 Boards to have rolls prepared

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

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

(3) Where any Parliamentary roll of electors contains sufficient information to identify the beneficiaries of any Board that Board may, with the approval of the Minister, use for the purposes of its roll under this section the appropriate Parliamentary roll of electors for the last preceding general election.

(4) Where beneficiaries of a Board are divided into different sections or divisions for the purposes of elections, the manner in which any such section or division is to be determined in cases where a Parliamentary roll is used shall be stated in all advertisements and notices relating to the elections issued by the Board.

(5) Where the beneficiaries of any Board are divided into sections or divisions for the purposes of elections, no person shall, except so far as may be prescribed by regulations under this Act, be eligible to belong to more than 1 section or division.

(6) Where a person is qualified to belong to more than 1 section or division, he shall, when applying for enrolment, elect the section or division in which he wishes to be enrolled.

Section 42(3): replaced, on 5 December 1962, by section 4 of the Maori Trust Boards Amendment Act 1962 (1962 No 47).

Section 42(4): inserted, on 5 December 1962, by section 4 of the Maori Trust Boards Amendment Act 1962 (1962 No 47).

Section 42(5): inserted, on 5 December 1962, by section 4 of the Maori Trust Boards Amendment Act 1962 (1962 No 47).

Section 42(6): inserted, on 5 December 1962, by section 4 of the Maori Trust Boards Amendment Act 1962 (1962 No 47).

43 Inclusion in roll onus of beneficiaries

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

44 Initial preparation

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

45 Inclusion in roll

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

Nomination of members

46 Invitation of nominations

(1) Not later than 4 months before the date on which the term of office of the members of a Board for the time being in office expires, the Secretary of the Board shall cause public notice to be given to beneficiaries of the Board of the fact that nominations are called for election to membership of the Board for the ensuing term, the method of lodging nominations, and the latest date, as fixed by section 47, by which nominations must be lodged with the Secretary of the Board.

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

(a) by newspaper advertisement published on at least 2 consecutive days in a daily newspaper or newspapers circulating in the district or districts where the majority of the beneficiaries reside or in such daily newspapers as may be prescribed, in the case of any particular Board, by regulations under this Act;

(b) by notice in writing addressed to all Maori Committees, Maori Executive Committees, and District Maori Councils constituted under the Maori Community Development Act 1962 in the district or districts where the majority of the beneficiaries reside or in such districts as may be prescribed, in the case of any particular Board, by regulations under this Act; and

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

(3) Any such public notice shall also invite applications from qualified persons for inclusion of their names in the roll of beneficiaries, and shall set out the date upon which the roll closes for the election, being the same date as that fixed as the latest date for the lodging of nominations under section 47.

Section 46(2)(b): amended, on 18 January 1989, by section 4 of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

47 Making of nominations

(1) The nomination of a candidate for election to membership of a Board shall be in writing signed by not less than 5 beneficiaries shown in the roll of beneficiaries as entitled to vote in respect of the election of that candidate.

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

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

(4) *[Repealed]*

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

Section 47(4): repealed, on 1 October 1983, by section 2(2) of the Maori Trust Boards Amendment Act 1983 (1983 No 19).

48 Necessity for elections

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

(2) In any case where the number of nominations received is not such as to render an election or elections necessary under subsection (1), the persons nominated for election shall be deemed to have been duly elected as members of the Board in accordance with their nominations.

49 Names of persons elected to be transmitted to chief executive of the Ministry of Maori Development

(1) The Secretary of each Board shall, not later than 20 days before the date of the expiry of the term of office of the members for the time being in office, forward to the chief executive of the Ministry of Maori Development the names of the persons elected as members of the Board and, where necessary, the section or division of the beneficiaries which each such person is elected to represent.

(2) Where an election under this Part is held, the person or persons who have received the highest number of valid votes (not exceeding in number the number of members to be elected) shall, for the purposes of subsection (1), be deemed to be the person or persons elected.

(3) If, on receiving under subsection (1) the names of the persons elected as members of the Board, the chief executive of the Ministry of Maori Development has good reason to believe that—

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

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

the chief executive shall forthwith report the matter to the Minister.

Section 49 heading: amended, on 1 January 1992, pursuant to section 9(3)(b) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 49(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 49(3): inserted, on 18 January 1989, by section 5 of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

Section 49(3): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Election by postal ballot or electronic voting

Heading: amended, on 29 November 2022, by section 26 of the Māori Purposes Act 2022 (2022 No 73).

50 Elections to be by postal ballot or electronic vote unless regulations provide otherwise

The election of candidates to membership of a Board must be by 1 or both of the following, as required by the Board, unless regulations made under this Act provide otherwise:

(a) postal ballot:

(b) electronic vote.

Section 50: replaced, on 29 November 2022, by section 27 of the Māori Purposes Act 2022 (2022 No 73).

51 Ballot papers and electronic voting to be made available

If an election is required by section 48, the Secretary of the applicable Board must, not later than 1 month after the latest date fixed by section 47 for the lodging of nominations,—

(a) send a ballot paper to each beneficiary entitled to vote at the election, which sets out—

(i) the full names of each candidate for election; and

(ii) the method of marking the ballot paper to indicate the beneficiary's preference; and

(iii) the postal or electronic address to which the ballot paper is to be returned; and

(iv) the latest time for its return; and

(b) for an election using electronic voting, make the electronic voting system available to each beneficiary entitled to vote at the election.

Section 51: replaced, on 29 November 2022, by section 28 of the Māori Purposes Act 2022 (2022 No 73).

52 Returning Officer

(1) The Minister may appoint any person, including the Secretary of the Board or an officer of the public service, as the Returning Officer for an election.

(2) A beneficiary who casts a vote must send the ballot paper or electronic vote to the Returning Officer not later than 1 month before the date of expiry of the term of office of the members in office.

Section 52: replaced, on 29 November 2022, by section 29 of the Māori Purposes Act 2022 (2022 No 73).

53 Results of voting

(1) After the time fixed for the return of ballot papers and electronic votes has expired, the Returning Officer must count the votes validly cast for each candidate and communicate the results to the Secretary of the Board.

(2) Each candidate may appoint 1 scrutineer to be present at the counting of the votes.

Section 53: replaced, on 29 November 2022, by section 30 of the Māori Purposes Act 2022 (2022 No 73).

53A Investigation of conduct and result of election

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

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

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

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

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

(a) that the election was conducted in accordance with the principles laid down in this Part; and

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

(c) that the result of the election is clear,—

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

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

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

Section 53A: inserted, on 18 January 1989, by section 6 of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

Minor irregularities at elections

54 Election not invalid by reason of certain irregularities

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

55 Validation of certain irregularities

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

55A Invalid elections

(1) Where in the opinion of the Governor-General irregularities have occurred in respect of any election under this Act which it would not be proper or desirable to validate under section 55, he may, by Order in Council, declare any such election to be invalid and make such provisions as he thinks fit for the holding of a fresh election.

(2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 55A: inserted, on 5 December 1962, by section 5 of the Maori Trust Boards Amendment Act 1962 (1962 No 47).

Section 55A(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 4
Miscellaneous

56 Regulations

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

(2) Any regulations made under this section may be of a general nature applying to all Maori Trust Boards, or may apply to 1 or more specified Boards.

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

(a) fixing the number of members of any Board:

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

(c) providing for the method of election by beneficiaries of a Board, of candidates for membership of the Board:

(d) limiting or regulating the rights of persons who do not reside in the appropriate area to stand for election, or to nominate any candidate for election, or to vote in an election.

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

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(4) *[Repealed]*

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 56(3)(d): inserted, on 18 January 1989, by section 7(1) of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

Section 56(3A): inserted, on 18 January 1989, by section 7(2) of the Maori Trust Boards Amendment Act 1988 (1988 No 226).

Section 56(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 56(4): repealed, on 19 December 1989, by section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

57 Repeals and savings

(1) The enactments specified in the Schedule are hereby repealed.

(2) Without limiting the provisions of Part 2 of the Legislation Act 2019, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or anything whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

Section 57(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Schedule
Enactments repealed

s 57(1)

Maori Purposes Act 1931 (1931 No 32)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1933 (1933 No 50)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1935 (1935 No 39)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1938 (1938 No 23)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1939 (1939 No 28)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1948 (1948 No 69)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1949 (1949 No 46)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1950 (1950 No 98)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1951 (1951 No 75)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1953 (1953 No 112)
Amendment(s) incorporated in the Act(s).

Ngaitahu Claim Settlement Act 1944 (1944 No 33)

Ngaitahu Trust Board Act 1946 (1946 No 33)

Taranaki Maori Claims Settlement Act 1944 (1944 No 32)

Waikato-Maniapoto Maori Claims Settlement Act 1946 (1946 No 19)

Maori Trust Boards Amendment Act 2008

Public Act	2008 No 33
Date of assent	22 May 2008
Commencement	see section 2

1 Title

This Act is the Maori Trust Boards Amendment Act 2008.

2 Commencement

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

3 Principal Act amended

This Act amends the Maori Trust Boards Act 1955.

6 Validation

The election of any member of a Maori Trust Board before the commencement of this Act is not invalid by reason only that a person who voted was, or may have been, over the age of 18 years but under the age of 20 years at the time of the election.

Maori Trust Boards Amendment Act 2011

Public Act	2011 No 75
Date of assent	15 September 2011
Commencement	see section 2

1 Title

This Act is the Maori Trust Boards Amendment Act 2011.

2 Commencement

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

3 Principal Act amended

This Act amends the Maori Trust Boards Act 1955.

9 Transitional provision for when new provisions apply to each Maori Trust Board

(1) In this section, the **transition date** for a Board means the starting date of—

(a) the second accounting period of the Board that starts on or after the commencement of this Act, unless paragraph (b) applies:

(b) the first accounting period of the Board that starts on or after the commencement of this Act, if that date is appointed for the Board by the Governor-General by an Order in Council made on the recommendation of the Minister.

(2) The principal Act, as amended by this Act, applies—

(a) to a Maori Trust Board only on and from the Board's transition date; and

(b) in relation to only the accounting periods of the Board that start on or after the Board's transition date.

(3) Otherwise, the principal Act applies to the Board, and in relation to its accounting periods, as if this Act had not amended the principal Act.

(4) A provision repealed by section 8(1) continues to apply, as if it had not been repealed, until the start of the transition date of the Board to which it applies.

(5) Despite subsections (2) and (3), and anything in the principal Act, a Board must—

(a) hold a hui for the beneficiaries of the Board no later than 6 months after the Board's transition date, at which the Board must—

(i) report on its activities since its transition date or, if the Act that constitutes the Board provides for it to hold hui, since its last hui; and

(ii) report on the activities it plans for the future; and

(iii) present its financial statements for the prior accounting period that were prepared and audited as required by the principal Act before this Act amended it; and

(iv) present a budget (prepared under section 31A of the principal Act) for the next accounting period that starts after the hui; and

(b) give public notice to its beneficiaries of the time and location of the hui—

(i) no later than 3 months before the date of the hui; and

(ii) in accordance with section 46(2) of the principal Act.

(6) In this section, **accounting period** and **Maori Trust Board** have the meanings given by section 2(1) of the principal Act.

Maori Trust Boards (Transitional Provisions) Order 2012

(SR 2012/214)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 6th day of August 2012

Present:
His Excellency the Governor-General in Council

Pursuant to section 9(1)(b) of the Maori Trust Boards Amendment Act 2011, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Māori Affairs, makes the following order.

Order

1 Title

This order is the Maori Trust Boards (Transitional Provisions) Order 2012.

2 Commencement

This order comes into force on 10 August 2012.

3 Transition dates for specified Māori Trust Boards

For the purpose of implementing sections 23C, 23D, and 31 to 32 of the Maori Trust Boards Act 1955 (as amended by the Maori Trust Boards Amendment Act 2011), the transition date for—

(a) the Tauranga Moana Māori Trust Board is 1 July 2012:

(b) the Tūwharetoa Māori Trust Board is 1 July 2012.

(c) *[Revoked]*

Clause 3(a): amended, on 12 May 2017, by section 17 of the Māori Purposes Act 2017 (2017 No 18).

Clause 3(c): revoked, on 5 June 2024, by section 209(2) of the Whakatōhea Claims Settlement Act 2024 (2024 No 15).

Michael Webster,
for Clerk of the Executive Council.

Date of notification in *Gazette*: 9 August 2012.

Notes

1 General

This is a consolidation of the Maori Trust Boards Act 1955 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Whakatōhea Claims Settlement Act 2024 (2024 No 15): section 205(2)

Māori Purposes Act 2022 (2022 No 73): sections 22–30

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Trusts Act 2019 (2019 No 38): section 161

Social Security Act 2018 (2018 No 32): section 459

Te Aupouri Claims Settlement Act 2015 (2015 No 77): section 206

Tūhoe Claims Settlement Act 2014 (2014 No 50): section 107

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

Ngāti Whātua Ōrākei Claims Settlement Act 2012 (2012 No 91): section 101

Maori Trust Boards Amendment Act 2011 (2011 No 75)

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64): section 8(2)

Maori Trust Boards Amendment Act 2008 (2008 No 33)

Income Tax Act 2007 (2007 No 97): section ZA 2(1)

Te Arawa Lakes Settlement Act 2006 (2006 No 43): section 96(2)

Human Rights Amendment Act 2001 (2001 No 96): section 70(1)

Maori Trust Boards Amendment Act 1996 (1996 No 36)

Te Runanga o Ngai Tahu Act 1996 (1996 No 1 (P)): section 34(1)

Waikato Raupatu Claims Settlement Act 1995 (1995 No 58): section 28(4)(a)

Ministry of Maori Development Act 1991 (1991 No 145): section 9(1), (3)(b)

Orakei Act 1991 (1991 No 122): section 39

Regulations (Disallowance) Act 1989 (1989 No 143): section 11

Public Finance Act 1989 (1989 No 44): section 86(1)

Maori Trust Boards Amendment Act 1988 (1988 No 226)

Maori Trust Boards Amendment Act 1983 (1983 No 19)

Rural Banking and Finance Corporation Amendment Act 1982 (1982 No 28): section 3(5)

Maori Purposes Act 1981 (1981 No 112): section 7

Judicature Amendment Act 1979 (1979 No 124): section 12

Maori Purposes Act (No 2) 1973 (1973 No 106): section 21(b)

Maori Purposes Act 1972 (1972 No 135): section 15(1)

Lake Waikaremoana Act 1971 (1971 No 152): sections 5(2), 6(2), 11(2)

Maori Purposes Act 1971 (1971 No 151): section 8

Maori Purposes Act 1968 (1968 No 127): section 13(1)

Maori Trust Boards Amendment Act 1962 (1962 No 47)

Maori Purposes Act 1961 (1961 No 129): sections 19, 20(1)

Maori Purposes Act 1957 (1957 No 81): section 14

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2024