Version
as at 10 August 2024

Pacific Education Foundation Act 1972

Public Act	1972 No 138
Date of assent	20 October 1972
Commencement	20 October 1972

Act name: replaced, on 29 October 2016, by section 77 of the Education Legislation Act 2016 (2016 No 72).

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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 the Ministry of Education.

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An Act to establish a Pacific Islands Polynesian Education Foundation

1 Title

This Act is the Pacific Education Foundation Act 1972.

Section 1: replaced, on 29 October 2016, by section 77 of the Education Legislation Act 2016 (2016 No 72).

2 Interpretation

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

Board means the Board of the Foundation

contributor means a contributor to the Foundation within the meaning of section 6

education includes pre-school education

fees framework means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest

financial statements has the same meaning as in section 6 of the Financial Reporting Act 2013

financial year means a period of 12 months ending with the last day of June

Foundation means the Pacific Education Foundation continued under section 4(1)

generally accepted accounting practice has the same meaning as in section 8 of the Financial Reporting Act 2013

Minister means the Minister of Education

Ministry means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

other education agencies means the following agencies:

(a) the Education Review Office:

(b) NZQA:

(c) TEC:

(d) the Teaching Council:

(e) the Ministry for Pacific Peoples

Pacific person means a person who is living in New Zealand and who—

(a) is a New Zealand citizen or has been granted permanent residence or has been permitted to enter New Zealand with the intention of gaining permanent residence; and

(b) has indigenous Pacific cultural heritage from a place listed in Schedule 2

public service has the same meaning as in section 10 of the Public Service Act 2020

Treaty of Friendship means the Treaty of Friendship between the Government of New Zealand and the Government of Western Samoa done at Apia on 1 August 1962.

(2) In this Act, **NZQA**, **TEC**, and **Teaching Council** have the same meanings as in section 10(1) of the Education and Training Act 2020.

Section 2: replaced, on 29 October 2016, by section 78 of the Education Legislation Act 2016 (2016 No 72).

Section 2(1) **Ministry**: inserted, on 10 August 2024, by section 9(2) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 2(1) **other education agencies**: inserted, on 10 August 2024, by section 9(2) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 2(1) **Pacific person**: replaced, on 10 August 2024, by section 9(1) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 2(1) **public service**: replaced, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 2(1) **Treaty of Friendship**: inserted, on 10 August 2024, by section 9(2) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 2(2): inserted, on 10 August 2024, by section 9(3) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Section 2A: inserted, on 29 October 2016, by section 79 of the Education Legislation Act 2016 (2016 No 72).

3 Administration of Act

[Repealed]

Section 3: repealed, on 29 October 2016, by section 80 of the Education Legislation Act 2016 (2016 No 72).

4 Foundation established

(1) The Pacific Islands Polynesian Education Foundation is continued with the name Pacific Education Foundation.

(2) The Foundation shall consist of the contributors to the Foundation.

(3) The Foundation 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) In establishing and continuing the Foundation, this Act recognises the Crown's unique relationship with the Cook Islands, Niue, and Tokelau and, through the Treaty of Friendship, with Samoa.

Section 4(1): replaced, on 29 October 2016, by section 81 of the Education Legislation Act 2016 (2016 No 72).

Section 4(4): inserted, on 10 August 2024, by section 10 of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

5 Purpose of Foundation

The general purpose of the Foundation is to promote and encourage the better education of Pacific people by—

(a) providing information and advice to the Minister, the Ministry, and other education agencies on matters relating to the educational success of Pacific people; and

(b) providing financial assistance for that purpose, including the administration and award of Tulī Takes Flight scholarships that are part of the

goodwill gesture of reconciliation that accompanied the New Zealand Government's apology to Pacific families and communities impacted by the Dawn Raids.

Section 5: replaced, on 10 August 2024, by section 11 of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

6 Contributors

(1) During any financial year contributors to the Foundation shall be—

(a) all persons who have, during that financial year or during the immediately preceding financial year, contributed the sum of $10 or more to the funds of the Foundation or who have made gifts to the Foundation of other property of a value of not less than $10:

(b) all persons who are for the time being accepted by the Board as life members of the Foundation.

(2) The Board may accept as a life member of the Foundation any person who gives to the funds of the Foundation an amount of not less than $500 in 1 or more donations, or who makes a gift to the Foundation of other property of a value of not less than $500.

(3) The Board shall at all times keep a register in which shall be entered the names and addresses of all contributors and the money or property from time to time contributed by each, together with the dates of those contributions. All entries in the register shall, in the absence of proof to the contrary, be sufficient evidence of the matters so recorded.

(4) Any contributor who desires to inspect the register may arrange with the Board to make the inspection at a time suitable to the Board and to the contributor.

Section 6(1)(a): amended, on 29 October 2016, by section 83(1) of the Education Legislation Act 2016 (2016 No 72).

Section 6(2): amended, on 29 October 2016, by section 83(2) of the Education Legislation Act 2016 (2016 No 72).

7 Meetings of contributors

(1) The Board may from time to time call a general meeting of contributors or of the contributors residing in any particular district in which there are resident 100 or more contributors for the purpose of reporting on the work and finances of the Foundation or for the purpose of discussing plans and proposals for the furtherance and extension of the work of the Foundation or for any other purpose relating to the affairs of the Foundation.

(2) *[Repealed]*

(3) Every question before any general meeting shall be decided by a majority of the votes of the contributors then present and entitled to vote. Each contributor shall have 1 vote only but in the event of an equality of votes for and against any proposed resolution the person acting as chairperson of the meeting shall also have a casting vote.

(4) No person shall be entitled to vote as a contributor at any meeting of contributors unless the person has attained the age of 18 years.

(5) At any general meeting 6 contributors shall form a quorum.

Section 7(2): repealed, on 29 October 2016, by section 84(1) of the Education Legislation Act 2016 (2016 No 72).

Section 7(3): amended, on 29 October 2016, by section 84(2) of the Education Legislation Act 2016 (2016 No 72).

Section 7(4): amended, on 29 October 2016, by section 84(3) of the Education Legislation Act 2016 (2016 No 72).

8 Constitution of Board

(1) The Board of the Pacific Islands Polynesian Education Foundation is continued as the Board of the Pacific Education Foundation.

(2) The Board consists of the following members:

(a) the Secretary for Education:

(b) the chief executive of the Ministry for Pacific Peoples:

(c) *[Repealed]*

(d) 6 other members, to be appointed jointly by the Minister and the Minister for Pacific Peoples after consultation with those Pacific communities that the Ministers consider it appropriate to consult.

(2A) A member appointed under subsection (2)(d) must be resident in New Zealand during their term of office.

(3) If a member who is an employee of the public service is absent from any meeting, the member may authorise another employee to attend the meeting in the member's place (and the employee is, for the purposes of the meeting, a member of the Board).

(4) *[Repealed]*

(5) A member appointed under subsection (2)(d)—

(a) holds office for a term of up to 4 years; and

(b) may be reappointed; and

(c) may at any time be removed from the Board by the Minister for inability to perform the duties of a Board member, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister; and

(d) may at any time resign from the Board by notice in writing to the Minister.

(6) If a member appointed under subsection (2)(d) (**member A**) dies, is removed from office, or resigns,—

(a) the vacancy created must be filled in the manner in which member A was appointed; and

(b) the member who fills the vacancy must be appointed for the remainder of the term for which member A was appointed.

(7) Unless subsection (6) applies, a member appointed under subsection (2)(d) must continue in office until the member's successor comes into office (even if the member's term of appointment has expired).

(8) The powers of the Board are not affected by any vacancy in the Board's membership.

Section 8: replaced, on 29 October 2016, by section 85 of the Education Legislation Act 2016 (2016 No 72).

Section 8(2)(c): repealed, on 10 August 2024, by section 12(1) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 8(2)(d): amended, on 10 August 2024, by section 12(2) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 8(2A): inserted, on 10 August 2024, by section 12(3) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 8(3): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 8(4): repealed, on 10 August 2024, by section 12(4) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 8(5)(a): replaced, on 10 August 2024, by section 12(5) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 8(5)(b): replaced, on 10 August 2024, by section 12(5) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

8A Chairperson and deputy chairperson

The Minister and the Minister for Pacific Peoples, acting jointly, may appoint—

(a) 1 member to be chairperson of the Board; and

(b) 1 member to be deputy chairperson of the Board.

Section 8A: replaced, on 10 August 2024, by section 13 of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

8B Letter of expectations

The Minister and the Minister for Pacific Peoples, acting jointly, may provide a letter of expectations to the Board that sets out the Ministers' expectations regarding the Foundation's strategic direction and specific priorities, and that may require the Board to have regard to specific education policies in its advice to the Minister, the Ministry, and other education agencies.

Section 8B: inserted, on 10 August 2024, by section 13 of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

9 Chairperson at meetings of the Board and contributors

(1) The chairperson shall preside at all meetings of the Board and all meetings of contributors at which the chairperson is present.

(2) If the chairperson is absent from any such meeting and the deputy chairperson is present, the deputy chairperson shall preside.

(3) If both the chairperson and the deputy chairperson are absent from a meeting of the Board, the meeting shall elect some other member present to be chairperson of that meeting and the member so elected shall have and may exercise all the powers and functions of the chairperson for the purposes of that meeting.

(4) If both the chairperson and deputy chairperson are absent from a meeting of contributors, the contributors present and entitled to vote shall elect a chairperson for the meeting from amongst the members (if any) present at the meeting and if no member is present then from amongst the contributors present; and the person elected shall have and may exercise all the powers and functions of the chairperson for the purposes of that meeting.

Section 9 heading: amended, on 29 October 2016, by section 87(1) of the Education Legislation Act 2016 (2016 No 72).

Section 9(1): amended, on 29 October 2016, by section 87(2)(a) of the Education Legislation Act 2016 (2016 No 72).

Section 9(1): amended, on 29 October 2016, by section 87(3) of the Education Legislation Act 2016 (2016 No 72).

Section 9(2): amended, on 29 October 2016, by section 87(2)(a) of the Education Legislation Act 2016 (2016 No 72).

Section 9(3): amended, on 29 October 2016, by section 87(2)(a) of the Education Legislation Act 2016 (2016 No 72).

Section 9(3): amended, on 29 October 2016, by section 87(2)(b) of the Education Legislation Act 2016 (2016 No 72).

Section 9(4): amended, on 29 October 2016, by section 87(2)(a) of the Education Legislation Act 2016 (2016 No 72).

Section 9(4): amended, on 29 October 2016, by section 87(2)(b) of the Education Legislation Act 2016 (2016 No 72).

Section 9(4): amended, on 29 October 2016, by section 87(4) of the Education Legislation Act 2016 (2016 No 72).

10 Meetings of Board

(1) Meetings of the Board must be held at least 3 times a year at the times and places that the Board determines.

(2) The chairperson may at any time call a special meeting of the Board.

(3) It shall be the duty of the chairperson or the secretary to call a special meeting of the Board if either person is requested in writing to do so by any 5 members.

(4) At any meeting of the Board 5 members shall form a quorum.

(5) Every question before the Board shall be determined by a majority of the votes of the members present at the meeting:

provided that in the event of an equality of votes the chairperson has both a deliberative vote and a casting vote.

(6) *[Repealed]*

(7) *[Repealed]*

(8) Subject to the provisions of this Act and of any regulation thereunder, the Board shall regulate its procedure in such manner as it thinks fit.

Section 10(1): replaced, on 10 August 2024, by section 14 of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 10(2): amended, on 29 October 2016, by section 88(1)(a) of the Education Legislation Act 2016 (2016 No 72).

Section 10(3): amended, on 29 October 2016, by section 88(1)(a) of the Education Legislation Act 2016 (2016 No 72).

Section 10(3): amended, on 29 October 2016, by section 88(1)(b) of the Education Legislation Act 2016 (2016 No 72).

Section 10(3): amended, on 29 October 2016, by section 88(2) of the Education Legislation Act 2016 (2016 No 72).

Section 10(4): amended, on 29 October 2016, by section 88(1)(b) of the Education Legislation Act 2016 (2016 No 72).

Section 10(5): amended, on 29 October 2016, by section 88(1)(b) of the Education Legislation Act 2016 (2016 No 72).

Section 10(5) proviso: amended, on 29 October 2016, by section 88(3) of the Education Legislation Act 2016 (2016 No 72).

Section 10(6): repealed, on 29 October 2016, by section 88(4) of the Education Legislation Act 2016 (2016 No 72).

Section 10(7): repealed, on 29 October 2016, by section 88(4) of the Education Legislation Act 2016 (2016 No 72).

11 Remuneration of members of Board and Special Committees

(1) Board members and members of a Special Committee are entitled to receive from the Board remuneration for services as a member at a rate and of a kind determined by the Minister in accordance with the fees framework.

(2) The following office-holders are not entitled to any remuneration for services as a Board member or a member of a Special Committee:

(a) a Judge:

(b) a member of Parliament:

(c) any employee of the State services who is acting in the employee's official capacity.

Section 11: replaced, on 29 October 2016, by section 89 of the Education Legislation Act 2016 (2016 No 72).

11A Expenses of members of Board and Special Committees

In addition to any remuneration received under section 11, Board members and members of a Special Committee are entitled, in accordance with the fees framework, to be reimbursed by the Board for actual and reasonable travelling and other expenses incurred in carrying out their service as a member.

Section 11A: inserted, on 29 October 2016, by section 89 of the Education Legislation Act 2016 (2016 No 72).

12 Executive Committee, Special Committees, and delegation of powers

(1) The Board may from time to time establish—

(a) an Executive Committee of not less than 3 Board members:

(b) Special Committees for particular purposes.

(2) Every member of the Executive Committee shall be a Board member, but no person shall be debarred from membership of any Special Committee by reason only of the fact that the person is not a Board member or a contributor.

(3) The Board may delegate to the Executive Committee or to any Special Committee, or to any Board member, or to any officer of the Board any of its powers, except this power of delegation.

(4) Subject to any general or special directions given or conditions attached by the Board, any powers and functions so delegated may be performed and exercised by the committee or person concerned with the same effect as if those powers and functions had been directly conferred by this Act and not by delegation.

(5) Every committee or person purporting to act under any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.

(6) Every such delegation shall be revocable at will, and no such delegation shall prevent the performance or exercise of any function or power by the Board.

(7) A delegation under this section continues in force until it is revoked, regardless of any change in the membership of the Board or of any committee.

Section 12(1): amended, on 29 October 2016, by section 90(2) of the Education Legislation Act 2016 (2016 No 72).

Section 12(1)(a): amended, on 29 October 2016, by section 90(3) of the Education Legislation Act 2016 (2016 No 72).

Section 12(2): amended, on 29 October 2016, by section 90(1) of the Education Legislation Act 2016 (2016 No 72).

Section 12(2): amended, on 29 October 2016, by section 90(4) of the Education Legislation Act 2016 (2016 No 72).

Section 12(3): amended, on 29 October 2016, by section 90(1) of the Education Legislation Act 2016 (2016 No 72).

Section 12(7): replaced, on 29 October 2016, by section 90(5) of the Education Legislation Act 2016 (2016 No 72).

13 Common seal

The common seal of the Foundation shall not be affixed to any document except pursuant to a resolution of the Board or for the purposes of giving effect to any power delegated by the Board, and the execution of any document so sealed shall be attested by 2 Board members, and by the secretary or by some officer authorised by the Board in that behalf.

Section 13: amended, on 29 October 2016, by section 91 of the Education Legislation Act 2016 (2016 No 72).

14 Contracts

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

(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 the Foundation, be either under the common seal of the Foundation or signed on behalf of the Foundation by some Board member or officer of the Foundation duly authorised in that behalf.

(3) Any contract which, if made between private persons, may be made orally, may be made in the manner specified in subsection (1) as in the case of a deed, or in the manner specified in subsection (2) as in the case of a contract required to be in writing, or may be made orally by or on behalf of the Foundation by any person acting under its authority, express or implied.

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

(5) The Board is hereby declared to be a local authority for the purposes of the Local Authorities (Members' Interests) Act 1968.

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

Section 14(2): amended, on 29 October 2016, by section 92 of the Education Legislation Act 2016 (2016 No 72).

15 Appointment of officers and collectors

(1) There shall be appointed in accordance with the Public Service Act 2020 all such officers and servants of the Board as may be necessary for the efficient exercise and performance of the powers and functions of the Board, including a secretary and a treasurer.

(2) The Board may appoint such persons as it thinks fit for the purpose of collecting voluntary contributions and donations from the public for the purposes of the Foundation. No person shall be deemed to be subject to the Public Service Act 2020 by reason of the person's appointment under this subsection.

Section 15(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 15(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 15(2): amended, on 29 October 2016, by section 93 of the Education Legislation Act 2016 (2016 No 72).

16 Power to accept property in trust

The Board may accept on behalf of the Foundation by way of bequest, devise, or gift any money, land, or other property in trust for the purposes of the Foundation for the time being or in trust for any particular purpose or purposes for which the Board can lawfully apply the property of the Foundation.

17 General powers of administration

(1) Subject to the provisions of this Act, the Board shall, in respect of any land or other property vested in the Foundation, have authority to do all such things as it considers necessary for the due administration thereof on behalf of the Foundation.

(2) Without limiting the generality of the authority conferred on the Board by subsection (1), any land vested in the Foundation may be occupied by the Board as a farm and the Board may carry out such farming operations thereon as it thinks fit.

(3) The Board may, with the consent of Public Trust and subject to such terms and conditions as may be agreed upon with it, appoint Public Trust to be its agent for the purpose of administering, on behalf of the Foundation, any money, land, or other property, and the Board may authorise Public Trust to exercise in respect of any property vested in the Foundation all or any of the powers, authorities, and discretions that the Board itself may exercise in respect of that property.

Section 17(3): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

18 Power to sell or exchange land

(1) The Board, with the consent of the Minister, may sell or exchange any land or interest in land vested in the Foundation other than land held in trust for any particular purpose, and may pay or receive on behalf of the Foundation any money by way of equality of exchange.

(2) The powers of selling or exchanging land which are conferred upon the Board by this section shall, with the consent of the Minister, extend to land held in trust for any particular purpose, notwithstanding the terms of that trust; but the proceeds of any such sale, and the land or money obtained by any such exchange, shall be subject to the same or similar trusts, so far as may be, as the land so disposed of, and the Board shall where necessary execute a declaration of trust to record the terms of the trust following any such sale or exchange.

19 Power to grant leases

Notwithstanding the terms of any trust affecting any such land, the Board may lease any land vested in the Foundation on such terms and conditions as the Board thinks fit and whether by way of public auction, public tender, or private contract.

20 Grants to Foundation

(1) There may from time to time be paid to the Foundation out of money appropriated by Parliament for the purpose—

(a) such grants as the Minister of Finance from time to time approves:

(b) such subsidies as the Minister of Finance from time to time approves on devises, bequests, and other contributions and gifts to the Foundation of money, land, and other property.

(2) Any payment or grant made under paragraph (a) of subsection (1) may, with the approval of the Minister of Finance, be made by the issue of government securities of the appropriate amount to the Foundation. Where any government securities are so issued, the Board shall not sell or otherwise dispose of them without the consent of the Minister of Finance.

(3) Any local authority within the meaning of the Local Government Act 2002, or other public body, any public corporation, any company or other incorporated body, any unincorporated body of persons, or any other person may, unless expressly prohibited by any Act or instrument of trust, make to the Foundation donations or gifts of money, and the Board may accept any such donations or gifts.

Section 20(3): amended, on 29 October 2016, by section 94 of the Education Legislation Act 2016 (2016 No 72).

Section 20(3): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

21 Capital and income of Foundation

(1) The capital of the Foundation shall consist of:

(a) all money contributed by contributors, whether in trust or otherwise:

(b) all money paid to the Foundation by way of grants, subsidies, donations, and gifts under section 20 or otherwise except—

(i) the interest arising from government securities issued pursuant to subsection (2) of the said section 20:

(ii) the income arising from any shares, debentures, or other like securities issued to or held on behalf of the Foundation and being the subject of a gift to the Foundation:

(iii) any money paid to the Foundation in the form of an annuity or with an express direction by the donor that it is to be applied as income:

(iv) any subsidy paid in respect of any income or money referred to in subparagraphs (ii) and (iii):

(c) all property held by or on behalf of the Foundation under this Act:

(d) all money derived from the sale of any property held by or on behalf of the Foundation under this Act:

(e) all money borrowed under section 23.

(2) The income of the Foundation shall consist of:

(a) all income derived from the investment of money by or on behalf of the Foundation under this Act:

(b) all income derived from the administration of property held by or on behalf of the Foundation:

(c) all money derived from the leasing of land under section 19:

(d) all other money not forming part of the capital of the Foundation.

22 Powers of investment

The Board may invest any money held by or on behalf of the Foundation, whether as capital or unexpended income, in accordance with the Trusts Act 2019.

Section 22: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

23 Power to borrow

(1) The Board may from time to time, with the prior approval of the Minister of Finance, and subject to such conditions as that Minister may approve, borrow money on behalf of and for the purposes of the Foundation and for the development and improvement of any real or personal property vested in the Foundation.

(2) The total amount of borrowing under this section shall not exceed three-fifths of the total value of the land and other capital assets of the Foundation.

(3) The Board may give as security for any money borrowed under this section:

(a) a mortgage of or charge on any land, or any interest in land owned by the Foundation:

(b) a mortgage of or charge on any personal property owned by the Foundation:

(c) a floating charge on the property of the Foundation.

24 Authorised expenditure

(1) Subject to the provisions of this Act, the Board may apply the income of the Foundation in such manner as the Board thinks fit for all or any of the following purposes:

(a) the education and vocational training of Pacific people:

(b) *[Repealed]*

(c) the grant of financial assistance or of equipment or material to established schools or other educational institutions at which Pacific people are receiving education:

(d) the making of grants to other funds established or bodies formed for the promotion of the education of Pacific people:

(e) the furtherance of the knowledge and appreciation of the advantages of better education amongst Pacific people:

(f) the provision of bursaries with or without boarding allowances to assist Pacific people to attend any public or private secondary school:

(g) the provision of bursaries to assist Pacific people to attend any New Zealand or overseas university, agricultural college, technical institute, or institution of similar status:

(h) the advancement of money by way of loan, on such terms and conditions as the Board thinks fit, to any Pacific person to assist the person to attend any New Zealand or overseas university, agricultural college, technical institute, or institution of similar status:

(i) the provision of post-graduate scholarships to Pacific people holding university degrees or diplomas for the purpose of enabling them to continue their studies or conduct special research either in New Zealand or elsewhere:

(j) the payment of travelling expenses to holders of any post-graduate scholarships, and the making of grants to meet the expenses of the wife, husband, civil union partner, de facto partner, or dependent children of any such holder:

(k) the making of special research or study grants to any Pacific person who is not the holder of a post-graduate scholarship but who is proposing to undertake some special research or study which in the opinion of the Board merits assistance:

(l) *[Repealed]*

(m) the provision of books, clothing, and other equipment for the holders of special bursaries, scholarships, or grants, or the making of grants to the parents or guardians of any such holders to assist them to provide books, clothing, and other equipment for any such holders:

(n) the provision, furnishing, maintenance, and management of residential accommodation for Pacific people in relation to their education or vocational training:

(o) the making of such other provision as the Board thinks expedient in order to further the purposes for which the Foundation is established:

(p) the improvement, development, or the making of effective and profitable use of any land or other property held by or on behalf of the Foundation, the purchase or other acquisition of other property to be used with it, and all proper expenses of management of any such property:

(q) the payment of costs of administration of the affairs of the Foundation, including its committees and agencies and the provision of office accommodation and equipment:

(r) the making of a payment (or payments) not exceeding $10,000 in any one financial year for any purposes not otherwise specified in this section or another provision of this Act.

(2) The Board may apply such part of the capital of the Foundation as consists of money for all or any of the purposes referred to in paragraph (p) of subsection (1) and, subject to the provisions of this Act, may, in addition, convert into money any of that capital which does not consist of money and apply the money resulting from the conversion for those purposes.

(3) Notwithstanding anything in section 21 or in the foregoing provisions of this section, where on or after 1 January 1974 the Foundation receives any money paid by way of grants, subsidies, donations, or gifts, being money that is not contributed or paid subject to any trust or any express direction by the donor as to whether it is to be applied as capital or as income, the Foundation may in its discretion receive the contribution or payment as either capital or income, and the provisions of this Act relating to capital and income shall in either case apply accordingly.

Section 24(1)(a): amended, on 29 October 2016, by section 95(1) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(b): repealed, on 29 October 2016, by section 95(2) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(c): amended, on 29 October 2016, by section 95(1) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(d): amended, on 29 October 2016, by section 95(1) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(e): amended, on 29 October 2016, by section 95(3) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(f): amended, on 29 October 2016, by section 95(1) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(g): amended, on 29 October 2016, by section 95(1) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(h): amended, on 29 October 2016, by section 95(4) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(i): amended, on 29 October 2016, by section 95(1) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(j): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 24(1)(k): amended, on 29 October 2016, by section 95(5) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(l): repealed, on 29 October 2016, by section 95(2) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(n): amended, on 29 October 2016, by section 95(1) of the Education Legislation Act 2016 (2016 No 72).

Section 24(1)(r): replaced, on 10 August 2024, by section 15 of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Section 24(3): inserted, on 9 October 1975, by section 2 of the Pacific Islands Polynesian Education Foundation Amendment Act 1975 (1975 No 96).

25 Conditions of tenure of scholarships, bursaries, and grants

(1) The conditions of tenure of every bursary, scholarship, and grant shall be determined by the Board which shall select the recipients thereof, with or without the aid of competitive examinations or tests, and decide the school, university, or other institution at which the bursary, scholarship, or grant shall be held.

(2) Every bursary, scholarship, or grant shall be of such value as the Board in its discretion determines and the Board may in its discretion renew or extend it with or without modification in value or conditions of tenure.

26 Bank account

The Board must, as soon as practicable after it receives money belonging to the Foundation, pay the money into the account of the Board at a bank appointed by the Board.

Section 26: replaced, on 29 October 2016, by section 96 of the Education Legislation Act 2016 (2016 No 72).

27 Estimates of receipts and expenditure

(1) The Board shall for each financial year make an estimate, in a form approved by the Minister of Finance, of the amount of the expenditure for all purposes and the receipts of the Foundation in that year. The estimate shall show separately the estimated amount of capital expenditure and income expenditure.

(2) The estimate shall be forwarded in duplicate to the Minister on or before 1 November in the financial year to which it relates.

Section 27(2): amended, on 29 October 2016, by section 97 of the Education Legislation Act 2016 (2016 No 72).

28 Accounting records must be kept

(1) The Board must ensure that there are kept at all times accounting records that—

(a) correctly record the transactions of the Foundation; and

(b) will enable the Board to ensure that the financial statements of the Foundation comply with this Act; and

(c) will enable the financial statements of the Foundation to be readily and properly audited.

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

Section 28: replaced, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 28(2): repealed, on 29 October 2016, by section 98 of the Education Legislation Act 2016 (2016 No 72).

Section 28(3): repealed, on 29 October 2016, by section 98 of the Education Legislation Act 2016 (2016 No 72).

Section 28(4): repealed, on 29 October 2016, by section 98 of the Education Legislation Act 2016 (2016 No 72).

Section 28(5): repealed, on 29 October 2016, by section 98 of the Education Legislation Act 2016 (2016 No 72).

29 Financial statements must be prepared

The Board must ensure that, within 3 months after the end of the financial year, financial statements that comply with generally accepted accounting practice are—

(a) completed in relation to the Foundation and that financial year; and

(b) dated and signed on behalf of the Board by 2 members of the Board.

Section 29: replaced, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

29A Financial statements must be audited

(1) The Board must ensure that the financial statements of the Foundation are audited.

(2) The Foundation 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 29A: replaced, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

30 Annual report

(1) The Board must, no later than 31 December in each year, provide the Minister and the Minister for Pacific Peoples with an annual report on its operations and proceedings during the previous financial year, together with a copy of the financial statements of the Foundation for that year and an audit report on those statements.

(2) The annual report must include information about the advice the Foundation has provided to, or interactions the Foundation has had with, the Ministry and other education agencies in that financial year.

(3) The Minister must present a copy of the annual report and the financial statements (along with the audit report) to the House of Representatives as soon as practicable after receiving them.

Section 30: replaced, on 10 August 2024, by section 16 of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

31 Exemption from taxes

(1) All land held by or on behalf of the Foundation shall be exempt from land tax.

(2) The income of the Foundation shall be exempt from income tax.

(3) *[Repealed]*

Section 31(3): repealed, on 1 October 1973, by section 2(2)(c) of the Payroll Tax Repeal Act 1973 (1973 No 21).

32 Office of Foundation

[Repealed]

Section 32: repealed, on 29 October 2016, by section 100 of the Education Legislation Act 2016 (2016 No 72).

33 Members of Board and Special Committees not personally liable

(1) No member of the Board is personally liable for—

(a) an act done or omitted to be done by the Board or the Executive Committee; or

(b) any loss to the Foundation arising out of any act done or omitted to be done by the member, if the act or omission was (so far as the member's involvement is concerned) in good faith and in pursuance or intended pursuance of the functions of the Board or the Executive Committee.

(2) No member of a Special Committee is personally liable for—

(a) an act done or omitted to be done by the Special Committee; or

(b) any loss to the Foundation arising out of any act done or omitted to be done by the member, if the act or omission was (so far as the member's involvement is concerned) in good faith and in pursuance or intended pursuance of the functions of the Special Committee.

Section 33: replaced, on 29 October 2016, by section 101 of the Education Legislation Act 2016 (2016 No 72).

34 Regulations

(1) The Governor-General may from time to time, by Order in Council, make all such regulations as the Governor-General deems to be necessary for the purpose of giving full effect to the provisions of this Act.

(2) Regulations under this section are 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 34(1): amended, on 29 October 2016, by section 102 of the Education Legislation Act 2016 (2016 No 72).

Section 34(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

35 Amendments to Schedule 2 by Order in Council

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, amend Schedule 2 to—

(a) add the name of a place to the schedule:

(b) delete the name of a place listed in the schedule:

(c) update or correct the name of a place listed in the schedule to reflect the official name of the place.

(2) Before making a recommendation under subsection (1)(a) or (b), the Minister must take into account the following matters:

(a) the location of the place:

(b) the number of people estimated to be living in New Zealand that have indigenous Pacific cultural heritage from the place:

(c) the results of any consultation with the people described in paragraph (b):

(d) any other matters that the Minister considers relevant to determining whether the place is a place of indigenous Pacific cultural heritage.

(3) An order made 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
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 35: inserted, on 10 August 2024, by section 17 of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Schedule 1
Transitional, savings, and related provisions

s 2A

Schedule 1: inserted, on 29 October 2016, by section 103 of the Education Legislation Act 2016 (2016 No 72).

Part 1
Provisions relating to Education Legislation Act 2016

1 Interpretation

In this Part,—

amendment Act means the Education Legislation Act 2016

commencement date means the commencement date of the amendment Act.

Schedule 1 clause 1: amended, on 10 August 2024, by section 18(1) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

2 Board of Pacific Islands Polynesian Education Foundation continued

Despite section 8(2), the Board consisting of those people specified in section 8(2) before the commencement date may continue to exercise the functions and powers of the Board under this Act until the Board described in section 8(2) is assembled.

3 Chairman and deputy chairman to continue in office

Despite section 8A,—

(a) the first election of a chairperson and a deputy chairperson is not required to take place until the year after the year in which the amendment Act commences; and

(b) the chairman and deputy chairman of the Board before the commencement date continue to hold office (as chairperson and deputy chairperson) until the first election is held.

Part 2
Provisions relating to Regulatory Systems (Education) Amendment Act 2024

Schedule 1 Part 2: inserted, on 10 August 2024, by section 18(2)(a) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

4 Interpretation

In this Part,—

amendment Act means the Regulatory Systems (Education) Amendment Act 2024

commencement means the date on which the amendment Act comes into force.

Schedule 1 clause 4: inserted, on 10 August 2024, by section 18(2)(a) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

5 Transitional provision for Board members holding office under section 8(2)(d) before commencement

(1) This clause applies to a Board member holding office under section 8(2)(d) immediately before commencement.

(2) Despite section 12 of the amendment Act,—

(a) the Board member continues in office on and after commencement but only for the remainder of the term for which they were appointed under section 8(5)(a) (as it read immediately before commencement); and

(b) nothing in section 8(2A) (as inserted by the amendment Act) applies to the Board member during the remainder of that term.

Schedule 1 clause 5: inserted, on 10 August 2024, by section 18(2)(a) of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

Schedule 2
Places of indigenous Pacific cultural heritage

ss 2(1), 35

Schedule 2: inserted, on 10 August 2024, by section 19 of the Regulatory Systems (Education) Amendment Act 2024 (2024 No 30).

American Samoa

Cook Islands

Federated States of Micronesia

Fiji

French Polynesia

Hawaii

Kiribati

Nauru

Niue

Papua New Guinea

Pitcairn Island

Rabi

Rotuma

Samoa

Solomon Islands

Tokelau

Tonga

Tuvalu

Vanuatu

Wallis and Futuna

Notes

1 General

This is a consolidation of the Pacific Education Foundation Act 1972 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

Regulatory Systems (Education) Amendment Act 2024 (2024 No 30): Part 2

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

Education Legislation Act 2016 (2016 No 72): Part 2 subpart 3

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 125

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

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

Public Trust Act 2001 (2001 No 100): section 170(1)

Pacific Islands Polynesian Education Foundation Amendment Act 1975 (1975 No 96)

Payroll Tax Repeal Act 1973 (1973 No 21): section 2(2)(c)

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