



Taitokerau Māori Trust Board Order 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 25th day of February 2019

Present:

Her Excellency the Governor-General in Council

This order is made under section 55A of the Maori Trust Boards Act 1955 on the advice and with the consent of the Executive Council.

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Order

1 Title

This order is the Taitokerau Māori Trust Board Order 2019.

2 Commencement

This order comes into force on the day after the date of its notification in the *Gazette*.

3 Interpretation

In this order,—

Act means the Maori Trust Boards Act 1955

Board means the Taitokerau Māori Trust Board

chief executive means the chief executive of Te Puni Kōkiri.

4 Background

- (1) The term of office of the outgoing members of the Board expired on 31 October 2017.
- (2) The Board held an election of new members, which was completed on 13 October 2017.
- (3) The Board forwarded to the chief executive the names of the 8 members to be recommended for appointment by the Governor-General.
- (4) However, the election was irregular because the Board did not comply with the following procedural requirements for conducting an election under the Act:
 - (a) the Board did not have a person to exercise and perform the powers and duties of the Board as provided for by section 19(2), because a Secretary was not appointed under section 19(1) with the approval of the Minister for Māori Development:
 - (b) the requirement of section 46(1) to give notice calling for nominations for election no later than 4 months before the expiry of the term of office of the previous members (the notice, which should have been advertised by 30 June 2017, was not advertised until 1 July 2017):
 - (c) the requirement of section 46(2)(a) to give notice by newspaper advertisements on at least 2 consecutive days (notification occurred on 1 July 2017 and 12 July 2017):
 - (d) the written notice required by section 46(2)(b) to be given to all Māori Committees, Māori Executive Committees, and District Māori Councils was not given:
 - (e) the requirement of section 47 to lodge nominations with the Secretary of the Board not later than 3 months before the expiry of the term of office of the previous members (the nominations should have been lodged by 31 July 2017, but 2 of the 8 members lodged their nominations on 4 August and 26 August 2017):
 - (f) the requirement of section 49 to forward to the chief executive the names of the persons elected not later than 20 days before the expiry of the term of office of the outgoing members (the names should have been forwarded by 11 October 2017 but were not forwarded until 16 October 2017).

5 Election declared invalid

The election of members of the Board held on 13 October 2017 is invalid because of the irregularities identified in clause 4(4), which it would not be proper or desirable to validate under section 55 of the Act.

6 Fresh election required

The Board must hold a fresh election of members of the Board in accordance with the requirements of clause 7.

7 Timing of fresh election

- (1) The Secretary of the Board must give the public notice required by section 46 of the Act by 4 March 2019.
- (2) Nominations for election to membership must be lodged with the Secretary of the Board by 4 April 2019.
- (3) If an election is required by section 48 of the Act, the Secretary of the Board must post the following documents to beneficiaries entitled to vote by 4 May 2019:
 - (a) a printed ballot paper required by section 51 of the Act; and
 - (b) the form of declaration required by regulation 10 of the Maori Trust Boards Regulations 1985.
- (4) Ballot papers must be posted to, or lodged with, the Returning Officer under section 52 of the Act by 4 June 2019.
- (5) The Secretary of the Board must comply with section 49(1) of the Act (and forward the names of persons elected as members of the Board to the chief executive of Te Puni Kōkiri) by 14 June 2019.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order comes into force on the day after the date of its notification in the *Gazette*.

The order declares the 2017 election of members of the Taitokerau Māori Trust Board to be invalid on account of the irregularities identified in *clause 4(4)*, which it would not be proper to validate under section 55 of the Act. The order therefore requires a fresh election to be held, which must be in accordance with the timing requirements set out in *clause 7*.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 28 February 2019.
This order is administered by Te Puni Kōkiri.