

Waitangi National Trust Board Amendment Bill

Government Bill

As reported from the committee of the whole House

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

Hon Maggie Barry

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Waitangi National Trust Board Amendment Act **2013**.

2 Commencement

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

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3 Principal Act

This Act amends the Waitangi National Trust Board Act 1932 (the **principal Act**).

Part 1**Amendments to principal Act**

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3A Section 2 amended (Waitangi National Trust Board incorporated)

After section 2(2), insert:

(3) When the term of office of the representative member holding the position first held by Riri Maihi Kawiti ends in accordance with **section 10(2) of the Waitangi National Trust Board Amendment Act 2013**,—

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(a) that position is disestablished; and

(b) the Board must appoint as representative members of the Board—

(i) a member of the family of Hone Heke; and

(ii) a member of the family of Maihi Kawiti; and

(iii) a member of the family of Tamati Waka Nene; and

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(iv) a member of the family of Pomare.

(4) The appointments referred to in **subsection (3)(b)** must be—

(a) made by resolution duly passed at a meeting of the Board specially called for the purpose; and

(b) confirmed at a subsequent meeting of the Board.

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(5) Upon confirmation of the appointments referred to in **subsection (3)(b)**, all the provisions of the declaration or deed of trust relating to members of the Board (as far as they are applicable and with any necessary modifications) apply with respect to the persons appointed as if they had been appointed by the declaration or deed of trust to be representative members of the Board.

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4 Section 3 amended (Powers of Board)

Repeal section 3(2).

5 Section 4 amended (Effect of deed of trust)

Repeal section 4(2).

6 New sections 4A and 4B inserted

After section 4, insert:

4A Crown representatives group

- (1) The Crown representatives group in relation to the Board comprises—
- (a) the Prime Minister; and 5
 - (b) the Minister for Arts, Culture and Heritage; and
 - (c) the Minister for Māori Development.
- (2) The functions of the Crown representatives group are—
- (a) to foster good relations between the Government and the Board; and
 - (b) to facilitate the exchange of information between the Government and the Board on matters relevant to the trust. 10

4B Nominated members of Board

- (1) The nominated members of the Board consist of—
- (a) 1 member appointed by the Prime Minister to represent the Government; and 15
 - (b) 1 member appointed by the Leader of the Opposition, following consultation with the leader of each party that is not in Government or in coalition with the Government.
- (2) A nominated member's term ends—
- (a) if he or she is appointed to the Executive Council; or 20
 - (b) at the end of the parliamentary term in which he or she is appointed to the Board.
- (3) Despite **subsection (2)**, a nominated member ceases to be a member of the Board if he or she ceases to be a member of the House of Representatives. 25

Compare: 1996 No 46 s 7

7 New section 11 inserted (Act binds the Crown)

After section 10, insert:

11 Act binds the Crown

This Act binds the Crown.

8 Schedule 1 amended

Amend Schedule 1 of the principal Act as set out in the Schedule of this Act.

Part 2

Miscellaneous provisions

9 Effect of amendments

The deed or declaration of trust referred to in the principal Act has effect as if amended directly in the manner provided in the Schedule of this Act. 5

10 Transitional provisions

- (1) This section applies to any person who was a representative member of the Board on the day immediately before the day on which this Act comes into force.
- (2) That person's term in office ends on the next triennial anniversary of his or her appointment to office that occurs after the coming into force of this Act or in accordance with **clause 8(2)** of the declaration or deed of trust. 10
- (3) A person who, at the end of his or her term in office under **subsection (2)**, has served 9 or more years as a representative member is eligible for reappointment for 1 further term of 3 years despite **clause 9A(e)** of the trust deed. 15

Schedule Amendments to Schedule 1

s 8

Clause 3

Repeal clause 3. 5

Clauses 4 and 5

Replace clauses 4 and 5 with:

4 Nominated members

The nominated members of the Board shall consist of 2 members of the House of Representatives appointed under **section 4B** of the Waitangi National Trust Board Act 1932. 10

5 Honorary patron

The Governor-General shall, at his or her pleasure, be an honorary patron of the trust.

Clause 6

Repeal clause 6. 15

Clause 8

Replace clause 8 with:

8 Terms of office of representative member

(1) A representative member holds office for a term of 3 years unless the member's position becomes vacant at an earlier date under **subclause (2)**. 20

(2) A representative member's term in office ends, and the position of that member becomes vacant, if he or she—

- (a) becomes bankrupt;
- (b) becomes a person prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under any of the following: 25

- (i) Companies Act 1993:

- (ii) Securities Act 1978:

- (iii) Securities Markets Act 1988: 30

- (iv) Takeovers Act 1993:

- (c) becomes subject to a property order under section 31 of the Protection of Personal and Property Rights Act 1988:

Clause 8—continued

- (d) is convicted of an offence punishable by imprisonment for a term of 1 year or more:
 - (e) is sentenced to imprisonment for any offence:
 - (f) resigns in writing to the Chairman:
 - (g) is absent without leave of the Board from 3 consecutive Board meetings: 5
 - (h) dies.
- (3) Except where a representative member’s position becomes vacant under **sub-clause (2)**, the representative member continues in office after the expiry of his or her term in office until a successor is appointed (or the member is reappointed) under clause 9. 10

New clause 9A

After clause 9, insert:

9A Eligibility to be representative member

A person is ineligible to be a representative member if he or she—

- (a) is an undischarged bankrupt: 15
- (b) is a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under any of the following:
 - (i) Companies Act 1993:
 - (ii) Securities Act 1978: 20
 - (iii) Securities Markets Act 1988:
 - (iv) Takeovers Act 1993:
- (c) is subject to a property order under section 31 of the Protection of Personal and Property Rights Act 1988:
- (d) has been convicted of an offence punishable by imprisonment for a term of 1 year or more, or has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty that was imposed: 25
- (e) has served as a representative member for 9 or more years.

Clause 10 30

Insert as the clause heading to clause 10 “**Succession to Joseph Gordon Coates**”.

Clause 12

In clause 12, replace “members of the Board other than life members and *ex officio* members” with “representative members”.

Clause 15

Replace clause 15(xviii) with:

(xviii) pay the actual and reasonable costs of travel, accommodation, and meals incurred by any member of the Board in travelling from or to his or her usual place of residence to or from a meeting of the Board.

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Legislative history

7 November 2013
9 April 2014
28 April 2015
20 May 2015
21 October 2015

Introduction (Bill 169–1)
First reading and referral to Māori Affairs Committee
Reported from Māori Affairs Committee (Bill 162–2)
Second reading
Committee of the whole House (Bill 169–3)