

**Reprint
as at 1 August 2020**



Maori Soldiers Trust Act 1957

Public Act 1957 No 29
Date of assent 16 October 1957
Commencement see section 1(2)

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by Te Puni Kōkiri.

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An Act to provide for the establishment and administration of a trust for the benefit of Maori veterans of the First World War and for the establishment and administration of a scholarship fund to commemorate the services of the late Sir Apirana Ngata to the Maori people

1 Short Title and commencement

- (1) This Act may be cited as the Maori Soldiers Trust Act 1957.
- (2) This Act shall come into force on 1 April 1958.

2 Interpretation

In this Act, unless the context otherwise requires,—

district committee means a committee appointed pursuant to section 12

financial year means a year ending on 30 June

General Account means the General Account established by this Act

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

Maori veteran means a Maori who has served overseas during the First World War as a member of any of the armed forces of the Crown

Minister means the Minister of Maori Affairs

Scholarship Fund Account means the Sir Apirana Ngata Memorial Scholarship Fund Account established by this Act

Soldiers Fund Account means the Maori Soldiers Fund Account established by this Act

Trust means the Maori Soldiers Trust established by this Act

Trust Committee means the Maori Soldiers Trust Committee established by this Act.

Part 1

The Maori Soldiers Trust

3 Establishment of Maori Soldiers Trust

- (1) All the property, both real and personal, which, at the commencement of this Act, is held by the Maori Trustee as assets of the Fund vested in him by section 23 of the Appropriation Act 1925, shall continue to be vested in him, and shall be dealt with in accordance with the provisions of this Act as assets subject to a trust to be called the Maori Soldiers Trust.
- (2) Subject to the provisions of this Act, the Maori Trustee shall have, in addition to the powers and authorities expressly conferred upon him thereby, power and authority to do all such things as he considers necessary for the due administration of the Trust.
- (3) Without limiting the authority conferred on the Maori Trustee by subsection (2), it is hereby declared that he may, with the prior approval of the Trust Committee, borrow money for the general purposes of the Trust upon the security of any property held by him on behalf of the Trust.

Section 3(3): inserted, on 14 December 1962, by section 9 of the Maori Purposes Act 1962 (1962 No 119).

4 Separate accounts established

The money which, in accordance with section 3, is held by the Maori Trustee for the purposes of the Trust shall be divided among separate accounts within the Maori Trustee's Common Fund as follows:

- (a) a General Account, comprising such money as in the opinion of the Maori Trustee should be retained as a reserve fund for farming and other operations conducted by him for the purposes of the Trust pursuant to sections 6 and 7:
- (b) an account, to be called the Sir Apirana Ngata Memorial Scholarship Fund Account, comprising all money heretofore held in the scholarship fund established pursuant to section 26 of the Maori Purposes Act 1953:
- (c) an account, to be called the Maori Soldiers Fund Account, comprising the residue of the money held for the purposes of the Trust.

5 Accounting provisions

- (1) All money accruing as a result of the exercise by the Māori Trustee of the powers conferred on him by sections 6 and 7 shall be credited to the General Account.
- (2) All money expended by the Māori Trustee in the exercise of the powers conferred on him by sections 6 and 7, or otherwise in respect of the due administration of the Trust, shall be paid out of the General Account.

- (3) At the end of each financial year the amount which shall be retained in the General Account shall be determined by the Trust Committee, and the Māori Trustee shall transfer any money not retained in the General Account in accordance with any such determination to the Soldiers Fund Account and the Scholarship Fund Account, in such proportions as the Trust Committee shall determine, or if the Trust Committee so determines, to either of those accounts to the exclusion of the other.
- (4) Any interest payable by the Māori Trustee in respect of money held for the purposes of the Trust shall be credited to the account in which the money is held.
- (5) Nothing in this Act shall be construed to prevent the application of money from any account established under this Act in payment of fees and commission charged by the Māori Trustee pursuant to the Maori Trustee Act 1953 in respect of the exercise of his powers and functions under this Act.
- (6) In addition to any payments to the Māori Trustee in respect of any such fees and commission, and any payments by way of fees, allowances, and expenses pursuant to section 15, the Māori Trustee shall pay from the Soldiers Fund Account or the Scholarship Fund Account, as the case may require, all money authorised by the Trust Committee to be paid pursuant to sections 9 and 10, and shall make between those accounts any transfers authorised by the Trust Committee pursuant to section 11.

Section 5(1): amended, on 1 July 2009, by section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 5(2): amended, on 1 July 2009, by section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 5(3): amended, on 1 July 2009, by section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 5(4): amended, on 1 July 2009, by section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 5(5): amended, on 1 July 2009, by section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 5(6): amended, on 1 July 2009, by section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

5A Investment otherwise than in Māori Trustee's Common Fund

- (1) Despite sections 4 and 5, the Trust Committee may, under section 24 of the Maori Trustee Act 1953, direct the Māori Trustee to invest, otherwise than in the Māori Trustee's Common Fund, money held for the purposes of the Trust.
- (2) The care, diligence, and skill that a prudent person of business would exercise in managing the affairs of others must be exercised—
 - (a) by the Trust Committee in giving directions under section 24 of the Maori Trustee Act 1953; and
 - (b) subject to directions given by the Trust Committee, by the Māori Trustee in investing money held for the purposes of the Trust.

Section 5A: inserted, on 11 April 2001, by section 3 of the Maori Soldiers Trust Amendment Act 2001 (2001 No 14).

Section 5A heading: amended, on 1 July 2009, by section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 5A(1): amended, on 1 July 2009, by section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 5A(2)(b): amended, on 1 July 2009, by section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

6 Farming and development of Trust property

- (1) The Maori Trustee may, for the benefit of the Trust, occupy and manage as a farm the whole or any part of the freehold and leasehold interests in land held by him for the purposes of the Trust, and shall have all such powers as may be necessary for or incidental to the effective management of any such farm.
- (2) Without limiting the general provisions hereinbefore contained, the Maori Trustee shall have and may exercise, for the purposes of the management or administration of any such farm, the following powers:
 - (a) he may carry out works for the improvement or development of the land comprised in the farm:
 - (b) he may acquire and dispose of any stock and chattels:
 - (c) he may, with the prior approval of the Trust Committee, borrow money upon the security of any property held by him for the purposes of the Trust.

7 Acquisition and disposition of land

- (1) The Maori Trustee, upon the recommendation of the Trust Committee and with the consent of the Minister, may acquire for the purposes of the Trust any land or interests in land.
- (2) The Maori Trustee may from time to time lease any portions of the land held by him for the purposes of the Trust, which in his opinion are not suitable or necessary for use as a part of any farm managed by him under this Act, and may, upon the recommendation of the Trust Committee and with the consent of the Minister, sell any land, or interests in land, held by him for the purposes of the Trust.

Part 2

The Maori Soldiers Trust Committee

8 Maori Soldiers Trust Committee

- (1) For the purposes of this Act there is hereby established a committee to be called the Maori Soldiers Trust Committee.
- (2) The Trust Committee shall consist of—
 - (a) the Minister, who shall be the chairman:

- (b) the Maori Trustee, who shall be the deputy chairman:
- (c) such number of members of the Maori race, to be appointed from time to time by the Minister, as is necessary to give each Maori Land Court District for the time being defined by an Order in Council, made pursuant to section 23 of the Maori Affairs Act 1953 on 8 August 1962, and published in the *Gazette* of 16 August 1962 1 representative on the Committee:
 - provided that, for the purposes of this paragraph, the South Island and the Ikaroa Maori Land Court Districts may be treated as 1 district only.
- (3) The members appointed pursuant to paragraph (c) of subsection (2) shall, as far as practicable, be Maori veterans or, in the alternative, persons who have at any time served overseas as members of the armed forces of the Crown, and the Minister, in appointing any such members, shall give effect to any nominations made in that behalf by a general meeting of Maori veterans.
- (4) Subject to the provisions of this section, every member of the Committee appointed under paragraph (c) of subsection (2) shall be appointed for a term of 2 years but any member retiring from office may from time to time be reappointed.
- (4A) At the expiration of 3 years after the date of the initial appointment of any such members in office at the commencement of this subsection, 3 of those members, who shall be selected by the Committee by unanimous vote of the Committee or, failing any such vote, by lot, shall retire from office. At the end of the next succeeding year the remaining 3 members shall retire and thereafter the members shall retire at the expiration of 2 years after the date of their appointment.
- (4B) Any such member may be removed from office by the Minister for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister. In the case of a vacancy in the membership of the Committee, the Minister may appoint some qualified person to fill the vacancy. Any such appointment shall be made in the same manner as the appointment of the vacating member. Every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.
- (5) For the purpose of advising the Trust Committee with respect to the expenditure of money from the Scholarship Fund, the Trust Committee may invite to any of its meetings the Secretary for Education and the chairman of the University Grants Committee or any person nominated by either of them for the purpose.
- (6) The powers of the Trust Committee shall not be affected by any vacancy in the membership thereof.

Section 8(2)(c): replaced, on 14 December 1962, by section 10 of the Maori Purposes Act 1962 (1962 No 119).

Section 8(2)(c): amended (with effect on 14 December 1962), on 27 November 1970, by section 15(1) of the Maori Purposes Act 1970 (1970 No 120).

Section 8(4): replaced, on 22 October 1959, by section 35 of the Maori Purposes Act 1959 (1959 No 90).

Section 8(4A): inserted, on 22 October 1959, by section 35 of the Maori Purposes Act 1959 (1959 No 90).

Section 8(4B): inserted, on 22 October 1959, by section 35 of the Maori Purposes Act 1959 (1959 No 90).

Section 8(4B): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

Section 8(5): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 8(5): amended, on 1 January 1962, by section 59(1) of the Universities Act 1961 (1961 No 54).

9 Application of money in Soldiers Fund Account

- (1) The Trust Committee shall administer the Soldiers Fund Account for the benefit of Maori veterans and their dependants.
- (2) Without limiting the general provisions contained in subsection (1), the Trust Committee may, from time to time, authorise the payment of money from the Soldiers Fund Account for all or any of the following purposes:
 - (a) the relief, assistance, and support of Maori veterans and their dependants:
 - (b) the making of grants towards the funeral and tangi expenses of Maori veterans:
 - (c) the making of grants towards the expenses of any general meeting or gathering of Maori veterans.
- (3) For the purposes of this section the term **dependants** includes the children or grandchildren of Maori veterans.

10 Application of money in Scholarship Fund Account

- (1) The Trust Committee shall administer the Scholarship Fund Account for the purpose of promoting the higher education of Maoris and in so doing shall, wherever practicable, give preference to the descendants of Maori veterans.
- (2) Without limiting the general provisions hereinbefore contained, the Trust Committee may, from time to time, authorise the payment of money from the Scholarship Fund Account for all or any of the following purposes:
 - (a) the provision of post-graduate scholarships to Maoris holding university degrees enabling them to continue their studies, or to conduct special research, either in New Zealand or elsewhere:
 - (b) the payment of travelling expenses to holders of post-graduate scholarships and the making of grants to meet the expenses of the wife, hus-

band, civil union partner, de facto partner, or dependent children of any such holder:

- (c) the making of grants to Maoris, other than the holders of post-graduate scholarships, for the purpose of assisting any person to whom any such grant is made to carry out any special research or study:
 - (d) the making of grants to schools or other institutions for the purpose of furthering the higher education of Maoris:
 - (e) the granting of bursaries to Maoris for the purpose of assisting them to obtain university degrees:
 - (f) any other purpose which, in the opinion of the Trust Committee, will promote the higher education of Maoris.
- (3) The Trust Committee may prescribe such conditions as it thinks fit in respect of the grant of any scholarship or monetary grant under this section.

Section 10(2)(b): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

11 Trust Committee may authorise transfers between Soldiers Fund Account and Scholarship Fund Account

- (1) The Trust Committee may, from time to time, authorise the transfer from the Soldiers Fund Account to the Scholarship Fund Account, of any money which in its opinion is in excess of that reasonably required for future expenditure under section 9.
- (2) The Trust Committee, if there are, in its opinion, insufficient funds available in the Soldiers Fund Account for expenditure under section 9, may, from time to time, authorise the transfer to the Soldiers Fund Account from the Scholarship Fund Account of such sum as it considers necessary.

12 Appointment by Trust Committee of district committees

- (1) The Trust Committee may, from time to time, as it thinks fit, appoint district committees to advise and assist it in the exercise of its powers and functions within specified districts or areas.
- (2) Each district committee shall include in its membership an officer of the Maori Trust Office nominated by the Maori Trustee, and each officer so nominated shall be the chairman of the district committee to which he is appointed.
- (3) In addition to the chairman, a district committee shall consist of such number of members, not exceeding 4, as may be fixed by the Trust Committee, who shall, as far as practicable, be Maori veterans or, in the alternative, persons who have at any time served overseas as members of the armed forces of the Crown.
- (4) The Trust Committee may at any time dissolve any district committee or, subject to the foregoing provisions of this section, may change the constitution thereof.

- (5) All district committees established under subsection (6) of section 26 of the Maori Purposes Act 1953 and in existence at the commencement of this Act, shall be deemed to be district committees appointed under this section.

13 Delegation

- (1) The Trust Committee may at any time, by resolution, delegate to the Maori Trustee or to any district committee any powers or functions conferred on the Trust Committee by this Act, other than the power of delegation conferred by this section, and the powers conferred by section 11.
- (2) In the exercise of any power or function delegated under this section, the delegate shall comply with any directions given by the Trust Committee.
- (3) Every resolution delegating any powers or functions under this section shall specify in full the powers or duties delegated and no such delegation shall empower a district committee to authorise the making of any one payment in excess of 50 pounds.
- (4) The fact that the Trust Committee has delegated any of its powers or functions shall not prevent the Trust Committee from itself exercising any such powers or functions.
- (5) The exercise by any delegate of any power or function delegated under this section shall have the same effect in all respects as if that power or function had been exercised by the Trust Committee.
- (6) Any delegation under this section may be at any time varied or revoked, in whole or in part, by the Trust Committee.

Part 3 General provisions

14 Meetings

- (1) Meetings of the Trust Committee or of any district committee shall be held at such times and places as the chairman appoints for the purpose or as any such body by resolution directs.
- (2) The chairman shall preside at any such meeting at which he is present. In the absence of the chairman the deputy chairman (if any) shall preside and, in the absence of both the chairman and the deputy chairman, the members present shall appoint one of their number to preside at that meeting.
- (3) The Maori Trustee or, in the case of a district committee, the chairman, if he is unable to attend any such meeting, may nominate in writing some person, being an officer of the Maori Trust Office, to attend the meeting in his stead, and any such person shall be deemed a member for the purposes of the meeting.
- (4) At all meetings of the Trust Committee 5 members shall form a quorum, and at all meetings of any district committee 3 members shall form a quorum.

- (5) At any such meeting all questions shall be decided by a majority of the valid votes recorded thereon.
- (6) At any such meeting the person presiding shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.
- (7) A resolution in writing signed, or assented to by letter or telegram, by such number of members of any committee as constitutes a quorum of that committee shall be as valid and effectual as if it had been passed at a meeting of any such committee duly called and constituted.
- (8) Subject to the provisions of this Act each body to which this section applies may regulate its procedure in such manner as it thinks fit.

15 Fees and travelling allowances

- (1) The Trust Committee is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.
- (2) There shall be paid out of the Soldiers Fund Account to the members of the Trust Committee (other than the Minister) and to the members of any district committee remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

16 Yearly statements of account

- (1) At the close of each financial year the Maori Trustee shall cause to be prepared for that year a balance sheet showing the assets and liabilities held for the purposes of the Trust with an account of his income and expenditure in connection with the administration of the Trust.
- (2) The Trust 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.
- (3) A copy of each such balance sheet and account, together with a report of the activities of the Trust Committee for the year, shall be made available for public inspection at all offices of the Department of Maori Affairs.

Section 16(2): replaced, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

17 Repeals and savings

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this section shall not affect any document made or any thing whatsoever done under the provisions so repealed or under any corresponding former provisions, 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.

Reprints notes

1 *General*

This is a reprint of the Maori Soldiers Trust Act 1957 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Education and Training Act 2020 (2020 No 38): section 668

Māori Trustee Amendment Act 2009 (2009 No 12): section 30(1)

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

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

Maori Soldiers Trust Amendment Act 2001 (2001 No 14)

Public Audit Act 2001 (2001 No 10): section 53

Maori Purposes Act 1970 (1970 No 120): section 15

Maori Purposes Act 1962 (1962 No 119): sections 9, 10

Universities Act 1961 (1961 No 54): section 59(1)

Maori Purposes Act 1959 (1959 No 90): section 35