

Version
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Waitangi National Trust Board Act 1932

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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 Department of Conservation.

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An Act to incorporate the Waitangi National Trust Board, to vest certain lands in the said Board, to confer certain powers upon the said Board, and for other purposes

Preamble

Whereas the Right Honourable Charles, Baron Bledisloe, Governor-General and Commander-in-Chief of the Dominion of New Zealand, and the Right Honourable Alina Kate Elaine, Lady Bledisloe, his wife, are registered as proprietors of an estate in fee simple in the lands described in the deed or declaration of trust set out in Schedule 1, and acquired the same by reason of their interest in and desire to preserve places of historical interest in the Dominion, and with a view to presenting and giving the said land as a place of historic interest, recreation, enjoyment, and benefit in perpetuity to the inhabitants of New Zealand:

And whereas it is desirable that provision should be made for the vesting, management, and control of the said lands and for certain other matters.

1 Short Title

This Act may be cited as the Waitangi National Trust Board Act 1932.

2 Waitangi National Trust Board incorporated

- (1) The parties to the deed or declaration of trust set out in Schedule 1 are hereby declared to be a body corporate under the name of the Waitangi National Trust Board (hereinafter called the **Board**) with perpetual succession and a common seal and power to do and suffer all such acts and things as bodies corporate may lawfully do and suffer.
- (2) The Board shall as soon as practicable after the commencement of this subsection appoint as a representative member of the Board a suitable person as a representative of the family of the late James Busby. The appointment shall be made by resolution duly passed at a meeting specially called for the purpose and confirmed at a subsequent meeting of the Board, and upon that confirmation all the provisions of the said declaration or deed of trust relating to members of the Board shall, as far as they are applicable and with any necessary modifications, apply with respect to the person so appointed as if he had been appointed by the said declaration or deed of trust to be a representative member of the Board.

- (3) When the term of office of the representative member holding the position first held by Riri Maihi Kawiti ends in accordance with section 11(2) of the Waitangi National Trust Board Amendment Act 2015,—
- (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
 - (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.
- (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.

Section 2(2): inserted, on 2 October 1958, by section 2 of the Waitangi National Trust Board Amendment Act 1958 (1958 No 102).

Section 2(3): inserted, on 24 November 2015, by section 4 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

Section 2(4): inserted, on 24 November 2015, by section 4 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

Section 2(5): inserted, on 24 November 2015, by section 4 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

3 Powers of Board

- (1) The Board shall have all the powers, authorities, and discretions set out in the said deed or declaration of trust.
- (2) *[Repealed]*
- (3) In addition to the powers conferred on the Board by paragraph (xii) of clause 15 of the said declaration or deed of trust, and notwithstanding the provisions of the said declaration or deed of trust, the Board may, in respect of any land for the time being vested in it and in such manner as it thinks fit, grant leases for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, but with no right of acquiring the fee simple, and at such rent and upon such terms and conditions as the Board thinks fit; and the Board may accept surrenders of any such leases on such conditions as it thinks fit.

(4) The Board may, by resolution, fix reasonable charges for any admission of persons, horses, and vehicles to any lands or premises for the time being vested in the Board or under its control.

(5) The Board may grant easements over any part of the land vested in it.

Section 3(2): repealed, on 24 November 2015, by section 5 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

Section 3(3): inserted, on 13 December 1968, by section 2 of the Waitangi National Trust Board Amendment Act 1968 (1968 No 116).

Section 3(4): inserted, on 13 December 1979, by section 2(1) of the Waitangi National Trust Board Amendment Act 1979 (1979 No 117).

Section 3(5): inserted, on 23 November 1982, by section 2 of the Waitangi National Trust Board Amendment Act 1982 (1982 No 108).

4 Effect of deed of trust

(1) All the provisions of the said deed or declaration of trust shall enure and take effect as fully in all respects as if they were expressly hereby enacted.

(2) *[Repealed]*

Section 4(2): repealed, on 24 November 2015, by section 6 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

4A Crown representatives group

(1) The Crown representatives group in relation to the Board comprises—

- (a) the Prime Minister; and
- (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.

Section 4A: inserted, on 24 November 2015, by section 7 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

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
- (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

- (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.

Compare: 1996 No 46 s 7

Section 4B: inserted, on 24 November 2015, by section 7 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

5 Office of Board

- (1) The Board shall establish and maintain and publicly notify a place or office at which notices and other documents may be served on the Board, and may from time to time change such place or office.
- (2) A notice under the seal of the Board setting out the address of its office shall from time to time be filed in the office of the High Court at Auckland.
- (3) Any notice of legal process shall be deemed to be served upon the Board if left at its office for the time being so notified during usual office hours with any person appearing to have the management or control thereof.

Section 5(2): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

6 Offences in relation to lands of Board

- (1) Every person is liable on conviction to imprisonment for 1 month or to a fine not exceeding \$500 who, without being authorised by the Board, does any of the following things upon any lands for the time being vested in the Board, that is to say:
- (a) lights any fire; or
 - (b) wilfully breaks or injures any fence, building, or erection; or
 - (c) wilfully breaks, cuts, injures, or removes any or any part of any wood, tree, shrub, fern, plant, stone, mineral, furniture, utensil, tool, or thing of any kind; or
 - (d) wilfully digs, cuts, or injures the sod; or
 - (e) shoots at any bird or animal with any gun or other instrument; or
 - (f) wilfully takes, destroys, or injures any bird or animal, or the nest or egg of any bird.
- (2) In addition to any penalty under the last preceding subsection, every person convicted of an offence thereunder shall be liable for any loss or damage caused by the offence, and such loss or damage may be awarded by the court in fixing the penalty, and may be recovered as a fine.
- (3) In every case where under this section wilful intent must be shown such intent shall be presumed until the contrary is proved.

- (4) If upon any of the said lands or in their vicinity any person is found in possession of any wood, tree, shrub, fern, or any plant, bird, egg, nest, or animal, or any part of any such thing, and upon being thereunto required by any constable or any person in the employ of the Board fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, he shall be deemed to have wilfully removed or taken the same in breach of this Act, unless he satisfies the court to the contrary.
- (5) Any constable or any person in the employ of the Board may, without further warrant or authority than this section, summarily interfere to prevent any actual or attempted breach of this Act or of any bylaw under this Act.

Section 6(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 6(1): amended, on 13 December 1979, by section 3(1) of the Waitangi National Trust Board Amendment Act 1979 (1979 No 117).

7 Board may make bylaws

- (1) The Board may, with regard to any lands for the time being vested in it, make bylaws for all or any of the following purposes:
- (a) the management, preservation, and use of the said lands and the preservation of plants and animals therein;
 - (b) the control of all persons, horses, and vehicles of any description using or frequenting the same;
 - (c) regulating the times of admission thereto and exclusion therefrom of persons, horses, and vehicles;
 - (d) excluding the public from any specified parts of the said lands;
 - (e) *[Repealed]*
 - (f) licensing persons to carry on in any part of the said lands any trade or calling or to afford any guiding, transport, or other public service;
 - (g) the exclusion of dogs or other animals therefrom, and their destruction if intruding therein;
 - (h) the prevention of any nuisance; and
 - (i) generally regulating the use of the said lands and providing for the preservation of order therein.
- (1A) Any bylaw made by the Board under this Act may prescribe fines not exceeding \$250 for any breach thereof, and in the case of a continuing breach may prescribe a further fine not exceeding \$5 for every day or part of a day during which the breach has continued.
- (2) Such bylaws shall be made by resolution of the Board.
- (3) The Board may not make bylaws under this section unless the Governor-General has approved the proposed bylaws.

- (4) Bylaws shall be published by being displayed and kept displayed at 1 or more of the principal entrances to the said lands and in a conspicuous place within some building erected thereon.
- (4A) Bylaws under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (5) In all legal proceedings sufficient proof of the due making of a bylaw and the terms thereof may be given by production of a copy thereof bearing the common seal of the Board, and it shall be presumed until the contrary is proved that the Governor-General's approval has been given to such bylaw and that the same is still in force and is published as hereinbefore provided.

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must comply with subsection (4)	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable	LA19 ss 115, 116

This note is not part of the Act.

Section 7(1)(e): repealed, on 13 December 1979, by section 2(2) of the Waitangi National Trust Board Amendment Act 1979 (1979 No 117).

Section 7(1A): inserted, on 13 December 1979, by section 3(2) of the Waitangi National Trust Board Amendment Act 1979 (1979 No 117).

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

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

8 Title to certain closed roads to be issued to Board

The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed to issue free of cost a certificate of title to the Board for an estate in fee simple in the lands referred to in Schedule 2, being certain closed roads partly bounding the lands referred to in the said deed or declaration of trust, and intersecting or bounding the lands described in Schedule 3:

provided that such lands shall be held by the Board for the purposes of the trust.

9 Title to certain lands taken for historic purposes to be issued to Board

Upon payment by or on behalf of the Board to the Public Account as a credit in aid of the vote for the Department within the meaning of section 2 of the Survey Act 1986 of such sum as may in the opinion of the Treasury represent the cost of acquisition by the Crown of the lands described in Schedule 3 (being certain lands adjoining or adjacent to the lands referred to in the said deed or declaration of trust, and acquired under the Public Works Act 1928 for historic purposes under the Scenery Preservation Act 1908 by Proclamation dated

9 July 1932), the Governor-General may by Warrant under his hand authorise the District Land Registrar of the Land Registration District of Auckland to issue free of cost a certificate of title to the Board for an estate in fee simple in the lands described in the said Schedule 3:

provided that such lands shall be held by the Board for the purposes of the trust.

Section 9: amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

10 Land of Board not rateable

All land from time to time vested in the Board is not rateable under the Local Government (Rating) Act 2002.

Section 10: replaced, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

11 Act binds the Crown

This Act binds the Crown.

Section 11: inserted, on 24 November 2015, by section 8 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

Schedule 1 Copy of Trust Deed

Preamble

To all to whom these presents shall come The Right Honourable Charles Baron Bledisloe of Lydney in the County of Gloucester in England Governor-General and Commander-in-Chief of the Dominion of New Zealand The Right Honourable Alina Kate Elaine Lady Bledisloe his wife (hereinafter together and respectively called “the Donors”) The Right Honourable George William Forbes of Cheviot Prime Minister of New Zealand The Honourable Mr Ethelbert Alfred Ransom of Dannevirke the Minister charged for the time being with the administration of the Scenery Preservation Act 1908 The Honourable Sir Apirana Turupa Ngata Knight Bachelor of Waiomatatini the Native Minister Kenneth Stuart Williams of Matahiia Sheepfarmer Riri Maihi Kawiti of Waiomio Settler Tau Henare of Motatau Settler Te Rata Mahuta of Waahi Settler Vernon Herbert Reed of Paihia Barrister at Law The Honourable Sir Robert Heaton Rhodes of Tai Tapu Knight Commander of the Royal Victorian Order The Right Honourable Sir Francis Henry Dillon Bell of Wellington a Member of His Majesty’s Most Honourable Privy Council and the Right Honourable Joseph Gordon Coates of Matakoho a Member of His Majesty’s Most Honourable Privy Council (all of whom including the Donors are hereinafter referred to as “the Trustees”) send greeting:

Whereas the Donors are registered as proprietors of an estate in fee-simple in all those pieces or parcels of land situate in the County of Bay of Islands and in the Kerikeri and Kawakawa Survey Districts containing by admeasurement one thousand and two acres and seven perches and three-tenths of a perch (1 002 acres and $7\frac{3}{10}$ perches) more or less being all the land comprised in Lots numbered respectively 2, 3, 5, and 6 in a plan lodged in the office of the District Land Registrar at Auckland under Number 24475 and being parts of Allotments numbered respectively 4 and 6 of the Parish of Waitangi in the North Auckland Land District:

And whereas the Donors are desirous of presenting and giving the said lands as a place of historic interest recreation enjoyment and benefit in perpetuity to the inhabitants of New Zealand:

And whereas it is intended that the said lands should be vested in the Trustees for the purposes aforesaid and that the Trustees should for the better administration thereof become incorporated under some general statute or by a special Act of Parliament and it is expedient that the trusts upon which the said lands are to be held by the Trustees or by such corporate body as aforesaid and the powers of the Trustees and of such corporate body as aforesaid should be declared in manner hereinafter appearing:

Now know ye by these presents and it is hereby declared in manner following that is to say:—

Part I

Incorporation and membership

1 Power to obtain incorporation

The Trustees shall have power to seek and obtain either under some general statute or by a special Act of Parliament incorporation as a corporate body or board of trustees (hereinafter referred to as “the Board”).

2 First members

The first members of the Board shall be the Trustees or the survivors of them at the time of incorporation.

3 Life members

[Repealed]

Schedule 1 clause 3: repealed, on 24 November 2015, by section 9 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

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.

Schedule 1 clause 4: replaced, on 24 November 2015, by section 9 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

5 Honorary patron

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

Schedule 1 clause 5: replaced, on 24 November 2015, by section 9 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

6 Succession of *ex officio* members

[Repealed]

Schedule 1 clause 6: repealed, on 24 November 2015, by section 9 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

7 Representative members

The following shall be deemed representative members of the Board in the capacities in which they are hereunder described:—

- (i) The said Kenneth Stuart Williams, as a member of the family of the late Archdeacon Henry Williams:
- (ii) The said Riri Maihi Kawiti, as a member chosen from the Hone Heke and Maihi Kawiti and Tamati Waka Nene and Pomare families:
- (iii) The said Tau Henare as a representative of the Maori people living in the North Auckland Peninsula:

- (iv) The said Te Rata Mahuta, as a representative of the Maori people living in the North Island south of the City of Auckland:
- (v) The said Vernon Herbert Reed, as a representative of the Pakeha residents of the Bay of Islands district:
- (vi) The said Sir Robert Heaton Rhodes, as a representative of the people, Pakeha and Maori, living in the South Island:
- (vii) The said Sir Francis Henry Dillon Bell, as a representative of the family of the late Edward Gibbon Wakefield:
- (viii) The said Joseph Gordon Coates, as a person prominent in the life of the country as a statesman.

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).
- (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:
 - (i) Companies Act 1993:
 - (ii) Securities Act 1978:
 - (iii) Securities Markets Act 1988:
 - (iv) Takeovers Act 1993:
 - (c) becomes subject to a property order under section 31 of the Protection of Personal and Property Rights Act 1988:
 - (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:
 - (h) dies.
- (3) Except where a representative member's position becomes vacant under subclause (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.

Schedule 1 clause 8: replaced, on 24 November 2015, by section 9 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

9 Succession to representative members

Whenever the position on the Board of a representative member so becomes vacant the Board shall, as soon as circumstances conveniently permit, by resolution duly passed at a meeting specially called for the purpose and confirmed at a subsequent meeting, appoint another person who in the opinion of the Board is qualified for the particular representative position to be filled to be a representative member of the Board in the place of the member whose position has become vacant as aforesaid.

9A Eligibility to be representative member

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

- (a) is an undischarged bankrupt:
- (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:
 - (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:
- (e) has served as a representative member for 9 or more years.

Schedule 1 clause 9A: inserted, on 24 November 2015, by section 9 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

10 Succession to Joseph Gordon Coates

Upon a vacancy in the position first held by the said Joseph Gordon Coates such position shall be filled by the appointment of a person who in the opinion of the Board is a person prominent in the life of the country as a statesman, historian, archaeologist, natural historian, or otherwise.

Schedule 1 clause 10 heading: inserted, on 24 November 2015, by section 9 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

11 Validation of proceedings during vacancy or irregular membership

Subject to the next succeeding clause hereof, no act or proceeding of the Board or of any person acting as a member of the Board shall be invalidated in consequence of there being a vacancy in the membership of the Board at the time of such act or proceeding, or by reason of the fact that there was some defect in

the appointment of any person so acting, or that any person purporting to act as a member of the Board was not qualified so to act.

12 Vacancies to be filled

If the number of representative members should at any time fall below four, then the Board shall not exercise any of the powers hereby conferred upon it, save the power of making appointments to membership of the Board and any ancillary powers:

Provided always that no person dealing or contracting with the Board or taking any assurance from the Board shall be affected by the provisions of this clause or be affected by any notice or information as to the number of members of the Board.

Schedule 1 clause 12: amended, on 24 November 2015, by section 9 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

Part II Powers and objects

13 Trust of lands

The said lands, when assured or vested as hereinafter provided, shall be held by the Board under the name of The Waitangi National Trust upon trust as a place of historic interest, recreation, enjoyment, and benefit for the people of the Dominion of New Zealand.

14 Vesting of lands

The Board shall have power to accept an assurance of the said lands or otherwise to procure the said lands to be vested in the Board.

15 General powers

The Board in furtherance of the purposes and objects of the trust may—

- (i) Repair, rehabilitate, add to, and maintain the house on the said lands of the late James Busby, at one time British Resident:
- (ii) Erect or build or permit the erection or building of any monuments, statuary, museum, art-gallery, library, baths, ornamental or other buildings which in the opinion of the Board are consistent with the purposes of the trust:
- (iii) Lay out, enclose, and plant the said lands or any part of them, and form or establish and thereafter maintain lakes fisheries, and sanctuaries for birds and other animals:
- (iv) Lay out and equip golf-courses, bowling-greens, tennis-courts, and any other areas as recreation-grounds on the said lands, and make such rules, regulations, and conditions as may be deemed necessary for the manage-

ment and control, playing privileges and charges, and other matters pertaining to the said recreation-grounds:

- (v) Accept transfers of, or give and take in exchange, land or buildings, and accept moneys raised by subscription or otherwise, furniture, portraits, manuscripts, books, live or dead stock, birds, or other animals, or any article of value or of interest (historic or otherwise), and apply such lands, moneys, or articles for the purpose of the trust:

Provided always that the power of giving land in exchange hereby conferred shall not authorize the alienation of lands exceeding in the aggregate of all such transactions one-sixth part by area of the lands hereinbefore described:

- (vi) Erect or build hostels for the accommodation of guests and from time to time equip, furnish, and conduct the same, and make rules, regulations, conditions of tenure, and other terms for the control and management of any such hostel:
- (vii) Lease any buildings at any time erected on lands vested in the Board and the sites and curtilages thereof, with or without the furniture and equipment thereof, and any lands capable of being used in connection therewith as hostels for the accommodation of guests:
- (viii) Construct, build, purchase, or otherwise acquire works for the generation, distribution, and consumption of electrical energy derived from water-power or in any other way, or otherwise obtain electrical energy for the use of the trust property and buildings, and dispose of any surplus electrical energy upon such terms and conditions as the Board deems fit:
- (ix) Sink wells, construct or instal water-dams or culverts, or otherwise make provision for the supply of water for domestic, farm, or other requirements:
- (x) Farm the said lands or any part of them in such manner as the Board deems fit, and for such purpose, *inter alia*, erect or remove such fences and buildings as may be considered necessary:
- (xi) Erect and maintain, or contribute towards the erection or maintenance of, roads, bridges, wharves, reclamations, embankments, or other construction works on the said lands or sea or river adjoining the said lands:
- (xii) Grant by public auction or tender, or by private contract, leases or licenses of such parts of the said lands as the Board shall think fit from year to year, or for any term less than a year, or for a term not exceeding twenty-one years, upon such conditions as to improvements, compensation for improvements, management, or otherwise howsoever as the Board in its discretion shall think fit, and to accept surrenders of any such leases or licenses, and to enter into contracts of agistment for any such period as aforesaid:

- (xiii) Enter into contracts for the execution or maintenance of any works or the carrying-out of any powers hereinbefore set out which involve capital expenditure or maintenance expenditure with all the powers in that behalf of an absolute owner:
- (xiv) Appoint, employ, and retain, and from time to time in terms of any contract remove and replace secretaries, curators, farm-managers, hostel-managers, stewards, accountants, clerks, and other servants and workmen, and architects, engineers, solicitors, and other professional advisers and consultants:
- (xv) Delegate to any responsible person all or any of the powers of management of the trust property, or any part thereof hereinbefore set out, without being liable for any loss occasioned by the acts or defaults of the person to whom such powers are delegated:
- (xvi) Apply for and promote legislation for the furtherance of any of the purposes of these presents, or for compelling the observance of any by-laws, orders, or regulations with respect to the trust property, or for punishing the non-observance thereof:
- (xvii) From time to time appoint expert advisory committees for the purpose of furnishing the Board with expert or technical advice in relation to Maori life and customs and to archaeological, artistic, agricultural, pastoral, forestal, geological, botanical, recreational, or other matters incidental to the use, development, improvement, or equipment of the trust property, and to determine such appointment or appointments as to the Board may seem meet:
- (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.

Schedule 1 clause 15(xviii): replaced, on 24 November 2015, by section 9 of the Waitangi National Trust Board Amendment Act 2015 (2015 No 115).

16 Trusts of revenue

All moneys received by the Board by way of revenue shall be applied in managing, administering, and improving the trust property and generally in carrying into execution the purposes and objects of these presents in such manner as the Board in its absolute discretion may think fit, and, pending disbursement thereof, may be accumulated by the Board (so far as legally may be) by investment in such securities as are permitted to trustees by the law for the time being in force.

17 Exclusion of public

For the better government, regulation, management, and control by the Board of the trust property the Board may wholly or partially close the said lands and buildings or any part thereof when and as the Board from time to time may

think fit; and, notwithstanding anything contained in these presents, no person shall be entitled to be admitted to or to use the said lands, buildings, and premises without the permission of the Board, or against the will of the Board, or contrary to the desire, instructions, directions, or regulations of the Board; and, without limiting the general powers hereby conferred, the Board may refuse to allow any person whom the Board may consider objectionable or undesirable to enter or come, or be or remain in or upon, or to use any of the aforesaid lands, buildings, and premises, or any part of the trust property; and the Board may, if and when in its absolute and uncontrolled discretion it thinks proper, expel and exclude, or cause to be expelled and excluded, any person or persons therefrom.

Part III

Meetings and procedure

18 Meetings

The Board shall hold meetings at such times and places as the Board may from time to time decide, or it may at any time delegate to one or more of its members the power to call meetings and fix the place and time thereof.

19 Annual meeting

The Board shall hold an annual meeting as soon as conveniently may be after the annual date on which the books of account are to be closed, and shall thereat consider the audited accounts of the trust and conduct a periodic survey of the affairs of the trust.

20 Chairman

The Board shall, as soon as conveniently may be, elect from among its members a Chairman and Deputy Chairman, who shall hold office till the close of the annual meeting held next after the meeting at which they are elected, and shall at every annual meeting proceed to the election of a Chairman and Deputy Chairman.

21 At every meeting of the Board the Chairman or in his absence the Deputy Chairman shall preside, and in the absence of both of them the members present shall choose one of their number to preside, and in the case of an equality of votes the person presiding shall, in addition to a deliberative vote, have a second or casting vote.

22 Proxies

Any member of the Board absent from a meeting may in writing given either generally or for a particular meeting or for a particular matter appoint any other member of the Board to cast a vote on his behalf at a meeting of the Board.

23 Minutes

The Board shall cause minutes to be kept of all its meetings and proceedings in relation to the trust premises, and the production of any minute so recorded purporting to be signed in confirmation thereof by the Chairman, Deputy Chairman, or other member presiding at a meeting at which such minute was confirmed shall be *prima facie* evidence, whether in favour of the Board or of any other person, of the correctness of the record contained therein, and that the matter referred to therein was authorized, done, or passed by the Board.

24 Standing orders

Subject to the foregoing provisions, the Board may from time to time, by resolution, make provision for the conduct of its meetings, the fixing of a quorum for business or any class of business, the regulation of its proceedings, and generally for all matters affecting its administration of the trust property.

25 Accounts

The Board shall cause proper books of account to be kept for all matters relating to the trust property.

26 Annual balance

The Board shall from time to time appoint an annual date for the closing of the books of account, and prepare a statement of the revenue and expenditure of the trust for the year then closed and a balance-sheet of the assets and liabilities of the trust at the end of such year.

27 Audit

The Board shall procure its books of account and the aforesaid annual statement of revenue and expenditure and balance-sheet of assets and liabilities to be audited by a qualified Auditor, whose report shall be laid before the annual meeting of the Board, together with the said accounts.

28 Headings and marginal notes excluded

The headings prefixed and marginal notes affixed to the clauses hereof, being intended solely for convenience of reference, shall not be deemed part hereof or in any way control or affect the interpretation hereof.

In witness whereof these presents have been executed this 18th day of November, one thousand nine hundred and thirty-two (1932).

Signed by the Right Honourable Charles, Baron Bledisloe, in the presence of—Albert Cecil Day, Official Secretary to the Governor-General, Wellington.	} BLEDISLOE
Signed by the Right Honourable Alina Kate Elaine, Lady Bledisloe, in the presence of—Albert Cecil Day, Official Secretary to the Governor-General, Wellington.	} ELAINE BLEDISLOE
Signed by the Right Honourable George William Forbes, in the presence of—H D Montague, Secretary, Wellington.	} GEO W FORBES
Signed by the Honourable Mr Ethelbert Alfred Ransom, in the presence of—N E Hutchings, Private Secretary, Wellington.	} E A RANSOM
Signed by the Honourable Sir Apirana Turupa Ngata, in the presence of—H D Montague, Secretary, Wellington.	} A T NGATA
Signed by the said Kenneth Stuart Williams, in the presence of—H D Montague, Secretary, Wellington.	} K S WILLIAMS
Signed by the said Riri Maihi Kawiti, in the presence of—C F C Miller, Solicitor, Kawakawa, Bay of Islands.	} RIRI MAIHI KAWITI
Signed by the said Tau Henare, in the presence of—H D Montague, Secretary, Wellington	} TAU HENARE
Signed by the said Te Rata Mahuta, in the presence of—F Auld, Postmaster, Huntly.	} TE RATA MAHUTA
Signed by the said Vernon Herbert Reed, in the presence of—C F C Miller, Solicitor, Kawakawa, Bay of Islands.	} VERNON H REED
Signed by the Honourable Sir Robert Heaton Rhodes, in the presence of—H D Montague, Secretary, Wellington	} R HEATON RHODES
Signed by the Right Honourable Sir Francis Henry Dillon Bell, in the presence of—H D Montague, Secretary, Wellington	} F H D BELL
Signed by the Right Honourable Joseph Gordon Coates, in the presence of—H D Montague, Secretary, Wellington	} J G COATES

Schedule 2

Closed roads

All that area in the North Auckland Land District, situated in Block IV, Kawakawa Survey District, containing by admeasurement 13 acres 4.8 perches, more or less, being roads closed under the provisions of the Land Act 1924 by Proclamation dated 12 October 1932, published in the *New Zealand Gazette* of 20 October 1932, and shown coloured green on plan marked PWD 84674, deposited in the office of the Minister of Public Works at Wellington.

Schedule 3

Historic reserve

All that area in the North Auckland Land District, situated in Block IV, Kawakawa Survey District, containing by admeasurement 40 acres 10.8 perches, more or less, being lands taken for historic purposes by Proclamation dated 9 July 1932, published in the *New Zealand Gazette* of 21 July 1932, and shown coloured as indicated within the said Proclamation on plan marked PWD 84155, deposited in the office of the Minister of Public Works at Wellington.

Waitangi National Trust Board Amendment Act 2015

Public Act	2015 No 115
Date of assent	23 November 2015
Commencement	see section 2

1 Title

This Act is the Waitangi National Trust Board Amendment Act 2015.

2 Commencement

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

3 Principal Act

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

Part 2

Miscellaneous provisions

10 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.

11 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.
- (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.

Notes

1 *General*

This is a consolidation of the Waitangi National Trust Board Act 1932 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*

Secondary Legislation Act 2021 (2021 No 7): section 3
Waitangi National Trust Board Amendment Act 2015 (2015 No 115)
Criminal Procedure Act 2011 (2011 No 81): section 413
Local Government (Rating) Act 2002 (2002 No 6): section 137(1)
Survey Amendment Act 1996 (1996 No 55): section 5
Waitangi National Trust Board Amendment Act 1982 (1982 No 108)
Judicature Amendment Act 1979 (1979 No 124): section 12
Waitangi National Trust Board Amendment Act 1979 (1979 No 117)
Waitangi National Trust Board Amendment Act 1968 (1968 No 116)
Waitangi National Trust Board Amendment Act 1958 (1958 No 102)