

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]

*House of Representatives, 21 August 1957*

Words struck out by the Maori Affairs Committee are shown in italics within bold round brackets; words inserted are shown in black within bold square brackets or in roman with rule down side.

*Hon. Mr Corbett*

## MAORI SOLDIERS TRUST

### ANALYSIS

Title	9. Application of money in Soldiers Fund Account	
1. Short Title and commencement	10. Application of money in Scholarship Fund Account	
2. Interpretation	11. Trust Committee may authorise transfers between Soldiers Fund Account and Scholarship Fund Account	
<b>PART I</b>		
<b>THE MAORI SOLDIERS TRUST</b>		
3. Establishment of Maori Soldiers Trust	12. Appointment by Trust Committee of district committees	
4. Separate accounts established	13. Delegation	
5. Accounting provisions	<b>PART III</b>	
6. Farming and development of Trust property	<b>GENERAL PROVISIONS</b>	
7. Acquisition and disposition of land	14. Meetings	
<b>PART II</b>		
<b>THE MAORI SOLDIERS TRUST COMMITTEE</b>		
8. Maori Soldiers Trust Committee	15. Fees and travelling allowances	
	16. Yearly statements of account	
	17. Repeals and savings	

### A BILL INTITULED

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.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

10 **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 the first day of April, nineteen hundred and fifty-eight.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“District Committee” means a committee appointed pursuant to section twelve of this Act: 5

“Financial year” means a year ending on the (*thirty-first day of May*) [**thirtieth day of June**]:

“General Account” means the General Account established by this Act: 10

“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: 15

“Minister” means the Minister of Maori Affairs:

“Scholarship Fund Account” means the Sir Apirana Ngata Memorial Scholarship Fund Account established by this Act: 20

“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. 25

## PART I

### THE MAORI SOLDIERS TRUST

**3. Establishment of Maori Soldiers Trust**—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 twenty-three 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. 30 35

*New*

(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. 40

**4. Separate accounts established**—The money which, in accordance with section three of this Act, 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:

- 5 (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 six and seven of this Act:
- 10 (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 twenty-six of the Maori Purposes Act 1953:
- 15 (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 **5. Accounting provisions**—(1) All money accruing as a result of the exercise by the Maori Trustee of the powers conferred on him by sections six and seven of this Act shall be credited to the General Account.

20 (2) All money expended by the Maori Trustee in the exercise of the powers conferred on him by sections six and seven of this Act, **[or otherwise in respect of the due administration of the Trust,]** shall be paid out of the General Account.

25 (3) At the end of each financial year the amount which shall be retained in the General Account *(as a reserve in respect of the operations of the Maori Trustee under sections six and seven of this Act for the purposes of the Trust, shall subject to the prior approval of the Trust Committee, be determined by the Maori Trustee)* **[shall be determined by the Trust Committee],** and the Maori 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.

30 (4) Any interest payable by the Maori Trustee in respect of money held for the purposes of the Trust shall be credited to the account in which the money is held.

40 (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 Maori Trustee pursuant to the Maori Trustee Act 1953 in respect of the exercise of his powers and functions under this  
45 Act.

(6) In addition to any payments to the Maori Trustee in respect of any such fees and commission, and any payments by way of fees, allowances, and expenses pursuant to section fifteen of this Act, the Maori 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 nine and ten of this Act, and shall make between those accounts any transfers authorised by the Trust Committee pursuant to section eleven of this Act.

**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 II

THE MAORI SOLDIERS TRUST COMMITTEE

5 **3. 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:

10 (c) Six members of the Maori race to be appointed from time to time by the Minister, of whom one shall be appointed in respect of each of the Maori Land Court Districts defined pursuant to section twenty-three of the Maori Affairs Act 1953:

15 Provided that for the purposes of this paragraph, the South Island and the Ikaroa Maori Land Court Districts shall be deemed to be one district only.

(3) The members appointed pursuant to paragraph (c) of subsection two of this section shall, as far as practicable, be  
20 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 have regard to but shall not be bound by any nomination made by a district committee appointed pursuant to  
25 section twelve of this Act.

(4) Any member appointed under paragraph (c) of subsection two of this section shall hold office during the pleasure of the Minister.

30 (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 Director of Education and the Vice-Chancellor of the University of New Zealand or any person nominated by either of them for the purpose.

35 (6) The powers of the Trust Committee shall not be affected by any vacancy in the membership thereof.

**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  
40 dependants.

(2) Without limiting the general provisions contained in subsection one of this section, 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: 5
  - (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. 10
- (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. 15

(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: 20

- (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: 25
- (b) The payment of travelling expenses to holders of post-graduate scholarships and the making of grants to meet the expenses of the wife or dependent children of any such holder: 30
- (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: 35
- (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. 40

(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.

**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 nine of this Act.

(2) The Trust Committee, if there are, in its opinion, insufficient funds available in the Soldiers Fund Account for expenditure under section nine of this Act, 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 four, 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 six of section twenty-six 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 eleven of this Act. 5

(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 *(authorise the expenditure of more than fifty pounds in any one case)* [empower a district committee to authorise the making of any one payment in excess of fifty pounds]. 10 15

(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. 20

(6) Any delegation under this section may be at any time varied or revoked, in whole or in part, by the Trust Committee. 25

### PART III

#### 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. 30

(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. 35

(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. 40



(4) At all meetings of the Trust Committee five members shall form a quorum, and at all meetings of any district committee three members shall form a quorum.

5 (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.

10 (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.

15 (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.

20 (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  
25 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  
30 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 balance sheets and accounts shall be audited by the Audit Office, which for that purpose shall have and may  
35 exercise all such powers as it has under the Public Revenues Act 1953 in respect of public money and public stores and the audit of local authorities' accounts.

(3) A copy of each such balance sheet and account, together with a report of the activities of the Trust Committee  
40 for the year, shall be made available for public inspection at all offices of the Department of Maori Affairs.

**17. Repeals and savings**—(1) Section twenty-three of the Appropriation Act 1925 and section twenty-six of the Maori Purposes Act 1953 are hereby repealed.

(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. 5 10