

MAORI TRUST BOARDS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill contains miscellaneous amendments to the Maori Trust Boards Act 1955.

Clause 2: Certain land and other assets are held in trust for the Aupouri Maori Trust Board. This clause enables the assets to be vested in the Board by order of the Maori Land Court.

Clause 3: The effect of this clause is to enable a Maori Trust Board to create a charitable trust with the approval of the Commissioner of Inland Revenue. When this is done the income from the trust property will not be subject to income tax.

Clause 4: This clause enables a Parliamentary roll of electors to be used as the electoral roll of Trust Boards in suitable circumstances. The clause also provides that, except as may be provided by regulations, no person shall be entitled to have his name entered on more than one division of the same roll.

Clause 5: Section 55 of the principal Act enables the Governor-General to validate minor irregularities in elections. This clause provides that where the irregularities are too grave to be validated, the Governor-General may invalidate the election and provide for a fresh election.

Hon. Mr Hanan

MAORI TRUST BOARDS AMENDMENT

ANALYSIS

Title

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Maori Trust Board | 4. Rolls of electors |
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A BILL INTITULED

An Act to amend the Maori Trust Boards Act 1955

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

1. **Short Title**—This Act may be cited as the Maori Trust
Boards Amendment Act 1962, and shall be read together with
and deemed part of the Maori Trust Boards Act 1955 (here-
inafter referred to as the principal Act).

10 2. **Provisions with respect to Aupouri Maori Trust Board**—
Section 5 of the principal Act is hereby amended by adding
the following subsections:

15 “(7) Where pursuant to the foregoing provisions of this
section any income derived from any property is payable to
the Board, all or any part of the property, whether real or
personal, may, on the application of the Board or of the
Maori Trustee, be vested in the Board by order of the Maori
Land Court.

“(8) Any property vested in it under subsection (7) of this Act shall become assets of the Board and shall be administered in accordance with this Act.

“(9) All property which immediately before the date of the vesting order was held by the Maori Trustee as a capital asset shall, when vested in the Board, become a capital asset of the Board.” 5

3. Trusts for charitable purposes—The principal Act is hereby amended by inserting, after section 24A (as inserted by section 19 of the Maori Purposes Act 1961), the following section: 10

“24B. (1) Any Board may from time to time, in its discretion, execute under its seal a declaration of trust declaring that it shall stand possessed of any of its property, whether real or personal, upon trust for charitable purposes. 15

“(2) Any income derived by the Board from any property to which the declaration relates shall be applied for such purposes referred to in section 24 or section 24A of this Act as may be specified in the declaration of trust; and, for the purposes of the Land and Income Tax Act 1954, any such income shall be deemed to be income derived by trustees in trust for charitable purposes. 20

“(3) No declaration of trust under this section shall have any force or effect unless it has been approved by the Commissioner of Inland Revenue.” 25

4. Rolls of electors—(1) Section 42 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsections:

“(3) Where any Parliamentary roll of electors contains sufficient information to indentify the beneficiaries of any Board that Board may, with the approval of the Minister, use for the purposes of its roll under this section the appropriate Parliamentary roll of electors for the last preceding general election. 30

“(4) Where beneficiaries of a Board are divided into different sections or divisions for the purposes of elections, the manner in which any such section or division is to be determined in cases where a Parliamentary roll is used shall be stated in all advertisements and notices relating to the elections issued by the Board. 35 40

“(5) Where the beneficiaries of any Board are divided into sections or divisions for the purposes of elections, no person shall, except so far as may be prescribed by regulations under this Act, be eligible to belong to more than one section or
5 division.

“(6) Where a person is qualified to belong to more than one section or division, he shall, when applying for enrolment, elect the section or division in which he wishes to be enrolled.”

10 **5. Invalid elections**—The principal Act is hereby further amended by inserting, after section 55, the following section:

“55A. Where in the opinion of the Governor-General irregularities have occurred in respect of any election under this Act which it would not be proper or desirable to validate under
15 section 55 hereof, he may, by Order in Council, declare any such election to be invalid and make such provisions as he thinks fit for the holding of a fresh election.”