

Serial Number 1952/136



THE NGAITAHU TRUST BOARD REGULATIONS 1952

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 9th day of
July 1952

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Ngaitahu Trust Board Act 1946, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

PRELIMINARY

1. (1) These regulations may be cited as the Ngaitahu Trust Board Regulations 1952.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.
2. In these regulations, unless the context otherwise requires,—
 - “The Act” means the Ngaitahu Trust Board Act 1946 :
 - “Beneficiary” means a Ngaitahu beneficiary :
 - “The Under-Secretary” means the Under-Secretary of the Department of Maori Affairs :
 Expressions defined in the Act have the meanings so defined.
3. The regulations referred to in the First Schedule hereto are hereby revoked.

DISTRICTS

4. (1) The six districts referred to in section 23 of the Act shall have the boundaries specified in the Second Schedule hereto.
- (2) The boundaries of the electoral districts referred to in the Second Schedule hereto shall be the boundaries defined by a Proclamation made on the 26th day of June 1946 and published in the *Gazette* on the 27th day of June 1946, at page 863, and the boundaries so defined shall enure for the purposes of these regulations notwithstanding any variation of the definition of the boundaries of any such electoral district or the abolition of any such electoral district which may at any time hereafter take place.
- (3) The North Island shall constitute a seventh district to be known as Te Ika a Maui District.

BENEFICIARIES

5. (1) The Board shall cause to be compiled, as soon as may be, a roll containing the names and addresses of all beneficiaries, and shall from time to time make all such additions and corrections to the roll as may be necessary.

(2) The onus shall be upon every beneficiary to ensure that his name is included in the roll and to supply to the Board his full postal address for the time being.

6. For the purposes of regulations 9 and 10 hereof the term "beneficiary" includes only those beneficiaries who are not less than twenty-one years of age at the date fixed for the closing of nominations in accordance with regulation 8 hereof, and whose names are included in the roll of beneficiaries referred to in regulation 5 hereof.

MEMBERS

7. Each member shall represent one of the seven districts referred to in regulation 4 hereof.

8. (1) Not later than five months prior to the day on which the term of office of the members for the time being in office expires, the Secretary shall cause public notice to be given to beneficiaries of the fact that nominations are called for membership of the Board for the ensuing term, the method of lodging a nomination, and the date on which nominations close.

(2) Any such public notice shall be given in the following manner:—

(a) By newspaper advertisement published in the principal city or town of each of the provincial districts of New Zealand and in Gisborne, Rotorua, Timaru, and Invercargill. Each such advertisement shall be published on at least two consecutive occasions in a daily newspaper published in the city or town herein specified.

(b) By notice to be broadcast in any appropriate Maori news service conducted by the New Zealand Broadcasting Service; and

(c) By notice in writing to all Tribal Executives and Tribal Committees, constituted under the Maori Social and Economic Advancement Act 1945, in the South Island and the Wellington Provincial District.

9. (1) The nomination of a candidate for appointment as a member shall be in writing signed by not less than five beneficiaries residing in the district which the candidate proposes to represent. Each of the beneficiaries shall print in block letters below his signature his full name and address.

(2) The consent of each candidate to his nomination shall be endorsed on the nomination paper, or otherwise notified to the Board.

(3) Nominations shall be lodged with the Secretary of the Board at his office at Kaiapoi not later than three calendar months prior to the day on which the term of office of the members for the time being expires.

(4) If any candidate is nominated to represent more than one district, he shall, by notice in writing to the Secretary, elect which one of those districts he intends to represent, and he shall withdraw his nomination in respect of the other or others.

(5) A candidate may at any time by notice to the Board withdraw his nomination.

(6) A nomination paper may be in the form set out in the Third Schedule hereto

10. (1) If more than one candidate is nominated to represent any district, the Secretary shall, within one month after the date of closing of nominations, send or cause to be sent to every beneficiary, whose usual place of residence is within that district, a ballot paper in the form set out in the Fourth Schedule hereto, setting out the full name of each such candidate and the date by which the ballot paper shall be returned as provided in subclause (3) of this regulation.

(2) The Secretary shall be deemed to have complied with the provisions of subclause (1) of this regulation if he sends the ballot paper to the last known address of each such beneficiary. The onus shall lie upon every beneficiary to supply the Secretary with details of his address from time to time. In any case where a beneficiary's address is unknown to the Board it shall not be incumbent upon the Secretary to furnish a ballot paper to that beneficiary.

(3) All ballot papers shall be forwarded by the beneficiaries to the Returning Officer for the time being of the Southern Maori Electoral District so as to reach him not later than two months after the closing of nominations, and any ballot paper received by the Returning Officer after that date shall be invalid.

(4) The Returning Officer shall notify the Secretary in writing of the result of every ballot conducted under this regulation, and the candidate receiving the majority of the valid votes cast shall be deemed to be the candidate nominated for appointment as the representative of the district in respect of which he has sought appointment.

11. When the beneficiaries residing in each of the several districts referred to in regulation 4 hereof have selected the candidates nominated by them to represent them on the Board, the Secretary shall forward a list of the names of those candidates to the Under-Secretary so as to reach the Under-Secretary not later than fourteen days prior to the day on which the term of office of the members for the time being expires.

MEETINGS

12. If within half an hour after the time for which a meeting of the Board has been appointed, whether by summons or by adjournment, a quorum is not present, the member or members present, or if no member is present, an officer of the Board, may adjourn the meeting to such time and place as is thought fit.

13. All proceedings and resolutions of the Board shall be recorded in a minute book to be kept for the purpose, and as soon as may be after the conclusion of each meeting a copy of the minutes of the meeting shall be forwarded to the Under-Secretary.

COMMITTEES

14. If and whenever the Board decides, pursuant to section 9 of the Act, to delegate any of its powers or duties to a committee, the Board shall, in its resolution, specify the powers or duties so delegated.

15. The Board shall not delegate to any such committee the power to make any loan or grant in excess of £20, or to enter into any contract involving, or otherwise to incur, or to authorize expenditure in excess of that amount in respect of any one transaction or matter.

16. The chairman of any such committee may be appointed and removed by the Board :

Provided that any such committee may at any meeting appoint one of its members to act in the absence of the chairman from that meeting.

17. (1) The members of any such committee may meet for the despatch of business and adjourn their meetings as they think fit.

(2) Every such committee shall fix a quorum which shall be subject to the approval of the Board, and no business shall be transacted at any meeting of a committee unless a quorum is present.

(3) All proceedings and resolutions of any such committee shall be recorded in a minute book to be kept for the purpose, and as soon as practicable after the conclusion of every meeting a copy of the minutes of that meeting shall be forwarded to the Secretary of the Board.

(4) All questions coming before a committee at any meeting shall be decided by a majority of the votes of the members present thereat, and in the case of an equality of votes the chairman shall have a casting vote.

18. The Board may appoint a committee to consider such matters as may be delegated to the committee with respect to any of the districts referred to in regulation 4 hereof, consisting of the member representing the district concerned and any other member, without the necessity for specifying the other member.

19. Every committee appointed pursuant to section 9 of the Act shall be subject in all things to the control of the Board and shall carry out all directions of the Board given in relation to the committee or its affairs.

DISTRICT CONSULTATIVE COMMITTEES

20. (1) For each of the districts referred to in regulation 4 hereof, the Board may appoint a District Consultative Committee as provided in section 10 of the Act.

(2) All members of each such District Consultative Committee shall be beneficiaries residing in the district for which the District Consultative Committee is appointed.

(3) The Chairman of each such District Consultative Committee shall be the member representing the district concerned on the Board.

21. It shall be the duty of every District Consultative Committee to advise the Board with respect to questions affecting the district for which the Committee is appointed, but the Board shall not be bound in any way by any recommendation submitted to it by any District Consultative Committee.

ACCOUNTS

22. All moneys received by the Board shall be acknowledged on a printed form of receipt. A numbered duplicate copy of each receipt shall be retained by the Board. Receipts shall be numbered consecutively and the number of each receipt shall be quoted in the cash book and other books of account kept by the Board.

23. Every cheque drawn on the Board's account shall be supported by a voucher containing particulars of the payment and a reference to the page of the minute book containing the resolution of the Board in pursuance of which the relative payment is to be made. Every such voucher shall be certified as correct by two members and the Secretary and shall have attached thereto a printed receipt which shall be signed by the payee. The voucher receipted by the payee shall be retained by the Board.

24. In every case where a payment is made in pursuance of any authority delegated by the Board to a committee appointed pursuant to section 9 of the Act, the payment shall first be authorized by a voucher containing the minute book reference to the resolution of the Board delegating the authority and details of the payment to be made. Each such voucher shall be certified by the two members for the time being acting under the delegated authority and by the Secretary.

25. A separate ledger account shall be kept by the Board in respect of every investment and every advance made by the Board.

TRAVELLING ALLOWANCES AND EXPENSES

26. (1) The Board 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 Fund to the members of the Board or of any committee appointed by the Board 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.

SCHEDULES

FIRST SCHEDULE REGULATIONS REVOKED

Date of Order in Council.	Title.	Published in Gazette	
		Year.	Page.
28 May 1947 ..	The Ngaitahu Trust Board Regulations 1947	1947	710
20 November 1948	Ngaitahu Trust Board Regulations 1947, Amendment No. 1	1948	1347
21 June 1950 ..	Ngaitahu Trust Board Regulations 1947, Amendment No. 2	1950	794

SECOND SCHEDULE SOUTH ISLAND DISTRICTS

KAIKOURA District, comprising the Electoral Districts of Marlborough, Nelson, and Buller.

Akaroa District, comprising the Electoral Districts of Selwyn, Christchurch Central, Fendalton, St. Albans, Sydenham, Avon, Riccarton, and Lyttelton.

Arowhenua District, comprising the Electoral Districts of Ashburton, Timaru, Waimate, and that part of the Electoral District of Oamaru lying to the north of the north-eastern boundary of the Waiheho County.

Maahunui District, comprising the Electoral Districts of Hurunui and Westland.

Araiteuru District, comprising the Electoral Districts of Central Otago, North Dunedin, St. Kilda, Mornington, Dunedin Central, and that part of the Electoral District of Oamaru lying to the south of the north-eastern boundary of the Waiheho County.

Murihiku District, comprising the Electoral Districts of Clutha, Awarua, Wallace, and Invercargill.

THIRD SCHEDULE

THE NGAITAHU TRUST BOARD

Nomination Paper

To the Secretary,
Ngaitahu Trust Board.

WE, the undersigned, being Ngaitahu beneficiaries residing in the District, do hereby nominate, of, as a candidate for appointment as a member to represent the said district on the Board.

Dated at, this day of 19..

.....
.....

(To be signed by not less than five beneficiaries as defined by regulation 6 of the Ngaitahu Trust Board Regulations 1952.)

NOTE.—Each of the nominating beneficiaries must add in block letters after his signature his full name and address.

Witness :.....

I, the said, being a Ngaitahu beneficiary, do hereby consent to the above nomination.

.....
Witness :.....

FOURTH SCHEDULE

THE NGAITAHU TRUST BOARD

Election of Candidates for Membership of the Board

BALLOT PAPER

THE following persons have been nominated to represent the District :—

A.B.
C.D.
E.F.

Beneficiaries desiring to record their votes must cross out the name(s) of the candidate(s) for whom they do NOT wish to vote, leaving only the name of the candidate for whom they wish to vote. This paper must be completed and forwarded to :

The Returning Officer,
Southern Maori Electoral District,
Christchurch,

to reach him not later than the day of 19...

To be filled in by voter :—

My full name as shown on the list of beneficiaries under the Ngaitahu Claim is (*please print in block letters*) My usual place of residence is My age is years months.

Signature of voter :.....

Date :.....

Notice

No person is qualified to vote unless he or she is named in the roll of beneficiaries held by the Ngaitahu Trust Board.

Only persons aged twenty-one years or over on the day of 19.. may vote.

Persons wishing to ascertain whether their names are on the list of beneficiaries should inquire from the Secretary, Ngaitahu Trust Board, Kaiapoi.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations replace the existing regulations relating to the Ngaitahu Trust Board.

The regulations provide for the South Island to be divided into six districts coinciding with specified existing electoral districts and for the creation of a new district consisting of the North Island.

The seven members of the Board, who are appointed by the Governor-General on the recommendation of the Minister, will each represent a district. The members will be recommended by beneficiaries resident in each district concerned, and the regulations make provision for ballots to be held to elect persons to be nominated.

Provision is made in the regulations for meetings of the Board, for the appointment of committees, for the keeping of accounts, and for the payment of fees and travelling allowances to members of the Board.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 July 1952.

These regulations are administered in the Department of Maori Affairs.