

Serial Number 1951/99

THE WHAKATOHEA TRUST BOARD REGULATIONS 1951

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 24th day of  
April, 1951

Present :

THE HON. K. J. HOLYOAKE PRESIDING IN COUNCIL

PURSUANT to section 26 of the Maori Purposes Act, 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Whakatohea Trust Board Regulations 1951.

(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,—  
“Board” means the Whakatohea Trust Board constituted by these regulations :

“Fund” means the moneys referred to in subsection (2) (a) of the said section ; and includes moneys derived by the Board from farming operations, rent, or otherwise howsoever :

“Minister” means the Minister of Maori Affairs :

“Principal Act” means the Maori Land Act, 1931 :

“Principal sum” has the same meaning as in the said section :

“The said section” means section 26 of the Maori Purposes Act, 1949.

WHAKATOHEA TRUST BOARD

3. There is hereby constituted a Board to be called the Whakatohea Trust Board.

4. (1) The Board shall consist of twelve members, being members of the Whakatohea Tribe, to be appointed from time to time by the Governor-General on the recommendation of the Minister, each of the six sub-tribes mentioned in subclause (3) of this regulation to be represented by two members.

(2) In making any recommendation under the last preceding subclause the Minister shall have regard to, but shall not be bound by, any nominations that may be made and submitted to him by the respective sub-tribes mentioned in subclause (3) of this regulation.

(3) The sub-tribes hereinbefore referred to are the sub-tribes of the Whakatohea Tribe known as Ngaitama, Ngati Patu, Ngati Rua, Ngati Ngahere, Ngatiira, and Te Upokorehe.

5. (1) Except in the case of an extraordinary vacancy, every member of the Board shall be appointed for a term of three years from the date of his appointment.

(2) Every member of the Board shall be eligible for reappointment.

(3) Notwithstanding anything to the contrary in these regulations, every member, unless he sooner vacates his office, shall continue to hold office until his successor comes into office.

6. (1) Not less than two months before the date of the expiration of the term of office of the members for the time being of the Board, each of the six sub-tribes mentioned in regulation 4 hereof shall nominate two persons as the representatives of the sub-tribe on the Board. The nomination shall be made by a majority vote at a meeting of the members of the sub-tribe summoned for the purpose by direction of the Minister, the voting to be by show of hands or by secret ballot, or in such other way as the Minister directs.

(2) For the purposes of this regulation no person shall be eligible to vote as a member of more than one of the said sub-tribes.

7. (1) Any member of the Board may at any time be removed from office by the Governor-General for inefficiency, disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister.

(2) If any member dies, or resigns, or is removed from office, his office shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy.

(3) In the case of an extraordinary vacancy, the Governor-General may appoint some qualified person to be a member of the Board for the residue of the term for which the vacating member was appointed. Every such appointment shall be made in the same manner as the appointment of the vacating member.

(4) No act or proceeding of the Board or of any committee or of any person acting as a member of the Board shall be invalidated in consequence of their being a vacancy in the membership of the Board at the time of any such act or proceeding or of the subsequent discovery that there was some defect in the appointment of any person so acting, or that he was incapable of being a member.

#### MEETINGS

8. (1) At the first meeting of the Board after the commencement of these regulations and at the first meeting of the Board held in each succeeding year, the Board shall appoint a Chairman and a Deputy Chairman.

(2) Any person appointed as the Chairman or Deputy Chairman shall hold office, while he continues to be a member of the Board, until the appointment of his successor in accordance with these regulations, and may be reappointed.

9. (1) The first meeting of the Board shall be held on a day to be appointed in that behalf by the Minister.

(2) Subsequent meetings of the Board shall be held at such times and places as the Board from time to time appoints.

(3) The Minister, or the Chairman of the Board, or any five members thereof, may at any time call a special meeting of the Board.

(4) At all meetings of the Board five members shall form a quorum, and no business shall be transacted at any meeting of the Board unless a quorum is present.

(5) The Chairman shall preside at all meetings of the Board at which he is present.

(6) In the absence of the Chairman from any meeting of the Board the Deputy Chairman, if present, shall preside. In the absence from any meeting of both the Chairman and the Deputy Chairman, the members present shall appoint one of their number to be the Chairman of that meeting.

(7) All questions before the Board shall be decided by a majority of the valid votes recorded thereon.

(8) At any meeting of the Board the Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(9) Subject to the provisions of these regulations, the Board may regulate its procedure in such manner as it thinks fit.

10. (1) The Board may from time to time appoint a committee or committees, consisting of two or more persons, and may delegate to any such committee any of the powers of the Board, except the power of delegation conferred by this regulation.

(2) Any person may be appointed to be a member of a committee under this regulation, notwithstanding that he is not a member of the Board.

(3) Any delegation under this regulation may be at any time revoked, in whole or in part, by the Board.

(4) The delegation by the Board of any of its powers shall not prevent the exercise of those powers by the Board itself.

#### OFFICERS OF THE BOARD

11. (1) The Board may from time to time, subject to the approval of the Minister, appoint a fit and proper person, who may be a member of the Board, to act as Secretary of the Board, and, with the like approval, may at any time remove the Secretary from office.

(2) The Secretary shall have all such powers and duties as the Board from time to time determines, and he shall at all times conform to the directions of the Board.

(3) The Board may from time to time appoint such other officers and workmen as it may think necessary or expedient, and may from time to time dismiss any such officer or workman.

(4) All employees of the Board shall be paid such salaries, wages, or allowances as the Board from time to time determines :

Provided that the rate of remuneration of the Secretary shall be fixed only with the prior approval of the Minister.

#### FUNCTIONS AND POWERS OF BOARD

12. (1) The functions of the Board shall be to administer the Fund in accordance with the provisions of the said section and these regulations for the general benefit of the members of the Whakatohea Tribe.

(2) In the exercise of its functions the Board may, in its discretion, provide out of the Fund (other than the principal sum) moneys for the benefit or advancement in life of any specific member or of any group or class of members of that Tribe.

(3) The Board shall have power to determine finally whether any person or any group or class of persons belongs to the Whakatohea Tribe.

(4) Without limiting the general provisions hereinbefore contained, it is hereby declared that the Board may from time to time apply moneys out of the Fund (other than the principal sum) for the general benefit of beneficiaries towards all or any of the following purposes :—

(a) The promotion of health by—

(i) Installing or making grants or loans towards the cost of installing water supplies, sanitation works, and drainage in Maori settlements ;

(ii) Promoting, carrying out, or subsidizing housing schemes, or by making grants or loans for any such schemes ;

(iii) Providing, subsidizing, or making grants for medical, nursing, or dental services :

(b) The promotion of social and economic welfare by—

(i) Making grants or loans for the relief of indigence or distress, or for the discharge of debts or liabilities ;

(ii) Developing, subsidizing, or making grants or loans for farming or other industries ;

(iii) Making grants or loans towards the cost of the construction, establishment, management, maintenance, repair, or improvement of Maori meeting houses, villages, maraes, or cemeteries :

(c) The promotion of education by—

(i) Assisting in the establishment of schools, and in the equipping, managing, and conducting of schools ; making grants of money, equipment, or material to schools or other educational institutions ; or making grants to funds established or bodies formed for the promotion of the education of Maoris ;

(ii) Providing scholarships, exhibitions, bursaries, and other similar means to enable individuals to secure the benefits of education, or making grants to Education Boards or other educational bodies for scholarships, exhibitions, or bursaries ;

(iii) Providing books, clothing, or other equipment for the holders of scholarships or other individuals, or making grants for those purposes ; or making grants generally for the purpose of assisting the parents or guardians of children to provide for their education ;

(iv) Providing, maintaining, or contributing towards the cost of residential accommodation for children in relation to their education :

(d) Such other or additional purposes as the Board, with the approval of the Minister, from time to time determines.

**13.** In any case where the Board grants a loan to any person, it shall take such security and fix such terms and conditions in respect of the loan and for the repayment of the principal sum and for the payment of interest thereon as the Board decides at the time of the granting of the loan :

Provided that, in any case where for special reasons the Board deems it expedient, the Board may grant a loan without requiring the payment of any interest or the giving of any security by the borrower, or subject only to either one of those requirements.

**14.** (1) Out of moneys in the Fund, the Board may, with the prior consent of the Minister, acquire any land or any interest in land, whether by way of purchase, lease, or otherwise, and may, with the like consent, sell, lease, sublease, or otherwise dispose of any such land or interest :

Provided that the consent of the said Minister shall not be required in any case where the land or interest is acquired or disposed of, whether by way of lease or otherwise, for any term not exceeding three years.

(2) With the prior written consent of the Minister, the Board may—

- (a) Occupy and manage any land acquired by the Board for farming, reclamation, or other purposes, or permit any person to occupy any such land, whether for the purpose of farming or reclamation or for any other purpose :
- (b) Make any such land available for common use by members of the Whakatohea Tribe for any purpose, or use it for the physical, social, moral, or pecuniary benefit of members of the said Tribe or for any purpose having for its object the benefit, betterment, or welfare of members of the said Tribe or the promotion of any tribal or communal object.

(3) For the purpose of farming any such land the Board may from time to time purchase or otherwise acquire such stock, implements, and chattels as it deems necessary ; and may sell or otherwise dispose of all or any stock, crops, produce, or chattels grown or held in the course of farming ; and for that purpose may borrow such moneys as it deems necessary on the security of any stock, crops, produce, or chattels.

**15.** With the prior written consent of the Minister and for any of the purposes of these regulations, the Board may from time to time—

- (a) Borrow moneys on the security of a mortgage of or charge upon any lands vested in the Board, or a charge upon any moneys payable to the Board or otherwise howsoever :
- (b) Guarantee the repayment of any principal sum or interest thereon by any person.

#### FINANCIAL PROVISIONS

**16.** All moneys belonging to the Fund shall be paid into an account, to be called the Whakatohea Trust Account, at such bank as the Minister from time to time directs.

**17.** No moneys shall be withdrawn from the Whakatohea Trust Account except by the authority of the Board and by cheque signed by two members and the Secretary thereof :

Provided that the Minister may, if he thinks fit, require that all cheques shall be countersigned by a person from time to time nominated by him.

**18.** (1) Notwithstanding anything to the contrary in these regulations, the Board shall not expend any moneys or incur any liability for expenditure unless the expenditure has been first approved by the Minister.

(2) The Board shall in each year in the month of April, or as soon as practicable thereafter, furnish to the Minister a statement showing in such detailed form as the Minister requires the estimated income and the proposed expenditure of the Board for the financial year ending on the 31st day of March next following.

(3) The Minister may, in his discretion, refuse to approve any proposed expenditure shown in any such statement or any other expenditure proposed by the Board, or may grant his approval in any case either unconditionally or upon or subject to such conditions as he thinks fit.

**19.** (1) The Board shall cause books to be provided and kept and true and regular accounts to be entered therein of all moneys received into and paid out of the Fund, and of the several purposes for which those moneys have been received and paid.

(2) Any member or any duly authorized officer of the Board, or any person duly authorized in that behalf by the Minister, may at all reasonable times inspect the books and take copies of or extracts from them free of charge.

(3) The books and accounts shall be kept in such a manner as the Minister prescribes.

**20.** (1) At the end of each financial year the Board shall cause to be prepared and sent to the Audit Office a balance sheet showing the assets and liabilities of the Board and an account of income and expenditure, together with such other statements of account as may be necessary to show fully the financial position of the Fund and the financial operations of the Board during that year.

(2) The balance sheet, account, and statements shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1926, in respect of public moneys and public stores and the audit of local authorities' accounts.

(3) A copy of the balance sheet, account, and statements shall when duly audited be submitted by the Board to the Minister, together with a report as to the operations of the Board for the financial year.

#### CONTRACTS

**21.** (1) Any contract which, if made between private persons, must be by deed shall, if made by the Board, be in writing under the seal of the Board.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Board, be in writing signed by any member or the Secretary of the Board on behalf of or by direction of the Board.

(3) Any contract which, if made between private persons, may be made orally, may be similarly made by or on behalf of the Board by any member or the Secretary acting by direction of the Board, but no oral contract shall be made for any sum exceeding £20.

(4) Notwithstanding anything to the contrary in the foregoing provisions of this regulation, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in manner provided by this regulation, if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

22. No member of the Board shall be personally liable for any act or default done or made by the Board or by any member thereof in good faith in the course of the operation of the Board.

SEAL

23. The seal of the Board shall not be affixed to any instrument except pursuant to a resolution of the Board and in the presence of a member and the Secretary or of two members ; and both the witnesses shall attest the sealing of the instrument.

TRAVELLING EXPENSES

24. The members of the Board shall be paid such travelling expenses and travelling allowances in respect of attendance at meetings of the Board or travelling on the business of the Board as may from time to time be approved by the Minister.

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

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EXPLANATORY NOTE

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

These regulations establish a Board to be called the Whakatohea Trust Board to administer a Fund consisting of moneys found to be payable to members of the Whakatohea Tribe.

The Board will consist of members of the Tribe, and the Fund is to be administered for the general benefit of members of the Tribe and their descendants.

Authority for the establishment of the Board is contained in section 26 of the Maori Purposes Act, 1949.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 26th day of April, 1951.

These regulations are administered in the Department of Maori Affairs.