

**Reprint
as at 25 July 2020**



New Zealand Maori Arts and Crafts Institute Act 1963

Public Act	1963 No 51
Date of assent	22 October 1963
Commencement	see section 1(2)

New Zealand Maori Arts and Crafts Institute Act 1963: repealed, on 25 July 2020, by section 16(1) (and see section 16(2)) of the New Zealand Māori Arts and Crafts Institute Vesting Act 2020 (2020 No 37).

Act name: replaced, on 23 November 1967, by section 2(1) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1967 (1967 No 104).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Business, Innovation, and Employment.

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An Act to establish the New Zealand Maori Arts and Crafts Institute and to prescribe its functions and powers

Title: amended, on 23 November 1967, by section 2(4) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1967 (1967 No 104).

1 Short Title and commencement

- (1) This Act may be cited as the New Zealand Maori Arts and Crafts Institute Act 1963.
- (2) This Act shall come into force on 1 December 1963.

Section 1(1): amended, on 23 November 1967, by section 2(4) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1967 (1967 No 104).

2 Interpretation

In this Act, unless the context otherwise requires,—

financial statements has the same meaning as in section 6 of the Financial Reporting Act 2013

financial year means a period of 12 months ending with the last day of March

generally accepted accounting practice has the same meaning as in section 8 of the Financial Reporting Act 2013

Institute means the New Zealand Maori Arts and Crafts Institute

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

Secretary means the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.

Section 2 **appointed member**: repealed, on 15 December 1994, by section 2(2)(a) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1994 (1994 No 155).

Section 2 **financial statements**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2 **generally accepted accounting practice**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2 **Institute**: amended, on 23 November 1967, by section 2(4) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1967 (1967 No 104).

Section 2 **Minister**: replaced, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

Section 2 **Secretary**: inserted, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

3 Administration of Act

[Repealed]

Section 3: repealed, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

4 Institute established

- (1) There is hereby established an Institute to be called the New Zealand Maori Arts and Crafts Institute.
- (2) The Institute shall be a body corporate with perpetual succession and a common seal and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may do and suffer.

Section 4(1): amended, on 23 November 1967, by section 2(4) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1967 (1967 No 104).

5 Membership of Institute

- (1) The Institute shall comprise not fewer than 5 and not more than 7 members, appointed by the Governor-General on the recommendation of the Minister.
- (2) No person, by reason only of his being a member of the Institute, shall be deemed to be employed in the State services for the purposes of the State Sector Act 1988 or in the Government service for the purposes of the Government Superannuation Fund Act 1956.

Section 5(1): replaced, on 15 December 1994, by section 2(1) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1994 (1994 No 155).

Section 5(2): amended, on 1 April 1988, pursuant to section 88(2) of the State Sector Act 1988 (1988 No 20).

Section 5(2): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

6 Terms of office of members

- (1) Except as otherwise provided by this Act, the members of the Institute shall be appointed for a term of 3 years, but may from time to time be reappointed.
- (2) Notwithstanding anything to the contrary in this Act, every member of the Institute, unless he sooner vacates his office under section 7, shall continue in office until his successor comes into office.

Section 6(1): amended, on 15 December 1994, by section 2(2)(b) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1994 (1994 No 155).

Section 6(2): amended, on 15 December 1994, by section 2(2)(b) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1994 (1994 No 155).

7 Extraordinary vacancies

- (1) Any member may at any time be removed from office by the Governor-General for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice 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 an extraordinary vacancy.
- (3) An extraordinary vacancy shall be filled in the manner in which the appointment to the vacant office was originally made.
- (4) Every person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which the vacating member was appointed.

Section 7(1): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

Section 7(1): amended, on 15 December 1994, by section 2(2)(b) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1994 (1994 No 155).

Section 7(2): amended, on 15 December 1994, by section 2(2)(b) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1994 (1994 No 155).

8 Chairman of Institute

- (1) One member of the Institute shall be appointed as chairman of the Institute by the Governor-General on the recommendation of the Minister.
- (2) Except as otherwise provided in this Act, the chairman shall be appointed as such for a term of 3 years but may from time to time be reappointed to that office:

provided that he shall hold office as chairman only for such period as he remains a member of the Institute.

- (3) The chairman, during the intervals between meetings of the Institute, shall have power to act on all matters on behalf of the Institute:

provided that when the chairman acts on behalf of the Institute in a matter which by this Act requires a decision of the Institute, he shall first consult at least 1 other member of the Institute and shall report at the next meeting of the

Institute the action that has been taken and the Institute may confirm, reverse, or modify the decision of the chairman or other officer.

Section 8(2) proviso: amended, on 15 December 1994, by section 2(2)(c) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1994 (1994 No 155).

9 Deputy chairman of Institute

- (1) At the first meeting of the Institute and thereafter at the first meeting of the Institute held after 1 January in each year, and also at the first meeting of the Institute held after the occurrence of a vacancy in the office of the deputy chairman, the Institute shall elect one of its members to be the deputy chairman. Any person so elected shall hold office, while he continues to be a member of the Council, until the appointment of his successor in accordance with this section, and may be reappointed.
- (2) Subject to the provisions of this Act, the deputy chairman shall have and may exercise all the powers and duties of the chairman during the absence or incapacity of the chairman or while there is a vacancy in the office of chairman.
- (3) No acts done by the deputy chairman acting as the chairman shall in any proceedings be questioned on the grounds that the occasion for his so acting had not arisen or had ceased.

10 Deputies of members

- (1) *[Repealed]*
- (2) In any case in which the Minister is satisfied that any member is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for that member during his incapacity.
- (3) Any deputy appointed under subsection (2) shall, while he acts as such, be deemed to be a member of the Institute.
- (4) No appointment of a deputy, and no acts done by a deputy as such, and no acts done by the Institute while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

Section 10(1): repealed, on 15 December 1994, by section 2(3)(a) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1994 (1994 No 155).

Section 10(2): amended, on 15 December 1994, by section 2(2)(b) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1994 (1994 No 155).

11 Meetings of Institute

- (1) The chairman shall preside at all meetings of the Institute at which he is present.
- (2) The deputy chairman shall preside at all meetings of the Institute at which the chairman is not present. In the absence of both the chairman and the deputy

chairman from any meeting, the members present shall appoint one of their number to be the chairman of that meeting.

- (3) The first meeting of the Institute shall be held on a day to be appointed in that behalf by the Minister.
- (4) Subsequent meetings of the Institute shall be held at such times and places as the Institute determines.
- (5) A special meeting of the Institute may at any time be called by the chairman, and the chairman shall call a special meeting whenever requested to do so in writing by 2 members of the Institute:
provided that not less than 7 clear days' notice of every special meeting and of the business to be transacted thereat shall be given to each member for the time being in New Zealand, and no business other than that specified in the notice shall be transacted at any such meeting.
- (6) At all meetings of the Institute the quorum necessary for the transaction of business shall be 3 members.
- (7) Every question before the Institute shall be determined by a majority of the valid votes of the members present recorded thereon:
provided that a resolution signed or assented to by letter or telegram by a majority of the members of the Institute for the time being in New Zealand shall have the same effect as a resolution duly passed at a meeting of the Institute.
- (8) The chairman at any meeting shall have a deliberative vote, and, in case of an equality of votes, shall also have a casting vote.
- (9) Subject to the provisions of this Act and to the rules of the Institute, the Institute may regulate its own proceedings in such manner as it thinks fit.

12 Committees, and delegation of powers

- (1) The Institute may from time to time, by resolution, appoint, discharge, alter, continue, or reconstitute committees for particular purposes.
- (2) Any person may be appointed to a committee notwithstanding that he is not a member of the Institute.
- (3) The Institute may delegate to any committee such of its powers as it thinks fit.
- (4) Subject to any general or special directions given or conditions attached by the Institute, any powers and functions so delegated may be performed and exercised by the committee with the same effect as if those powers and functions had been directly conferred by this Act and not by delegation.
- (5) Every committee purporting to act under any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.

- (6) Every such delegation shall be revocable at will, and no such delegation shall prevent the performance or exercise of any power by the Institute.
- (7) Until any such delegation is revoked, it shall continue in force according to its tenor, notwithstanding any change in the membership of the Council or of any committee.
- (8) Subject to the rules of the Institute, each committee may regulate its own proceedings in such manner as it thinks fit.

13 Proceedings of Institute not affected by certain irregularities

No act or proceeding of the Institute, or of any committee thereof, or of any person acting as a member of the Institute, shall be invalidated in consequence of there being a vacancy in the membership of the Institute at the time of that acting 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 or had ceased to be such a member.

14 Functions of Institute

The general functions of the Institute shall be—

- (a) to encourage, foster, and promote all types of Maori culture and the practice and appreciation of Maori arts and crafts:
- (b) to train Maoris in the practice of Maori arts and crafts:
- (c) to provide demonstrations or exhibitions of Maori arts and crafts and suitable premises for any such demonstrations or exhibitions:
- (d) to arrange and conduct exhibitions of Maori arts and crafts and of tours of performers demonstrating Maori arts and aspects of Maori culture:
- (e) develop and maintain areas in the Rotorua district or elsewhere as scenic or tourist attractions:
- (f) to foster and maintain public interest in Maori culture and Maori arts and crafts:
- (g) to assist in the preservation of Maori culture and Maori arts and crafts.

Section 14(c): amended, on 23 November 1967, by section 2(4) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1967 (1967 No 104).

15 Powers of Institute

The Institute shall have all such powers, rights and authorities as may reasonably be necessary, desirable, or expedient to enable it to carry out its functions, and in particular it may from time to time—

- (a) formulate and implement policies in respect of the furtherance and assistance to Maori culture and Maori arts and crafts:

- (b) make grants to any person to enable him to study, train, or gain experience in respect of the creation of Maori arts and crafts or in respect of any matter approved by the Institute:
- (c) commission the creation or execution of any work of Maori art:
- (d) arrange for and undertake the exhibition of Maori arts and crafts or of any performance relating to Maori culture:
- (e) advise and assist any bodies or organisations which are engaged in activities relating to Maori culture or Maori arts and crafts:
- (f) acquire by purchase, lease, bailment, or otherwise any land, buildings, or personal property for the purposes of this Act:
- (g) acquire by agreement with parties concerned rights over or in respect of land not under the control of the Institute for the purposes of exercising functions and powers under this Act:
- (h) dispose of by sale, lease, bailment, or otherwise any land, buildings, or personal property of the Institute:
- (i) charge such fees for admission to lands and buildings vested in it or under its control or in respect of any exhibition or performance promoted, arranged, or controlled by it as the Institute thinks fit:
- (j) provide for the licensing of guides or other persons having the function of demonstrating or describing any exhibition, scenic or tourist attractions, land, or premises under the control of the Institute or in respect of which agreements have been entered into by the Institute:
- (k) confer diplomas on or give certificates to any person having special training or qualifications in respect of Maori arts or crafts or Maori culture generally:
- (l) engage in the business of creating, buying, or selling articles having a special significance in respect of Maori arts or crafts or relating to Maori life or culture:
- (m) provide for the establishment, maintenance, management, or operation of services or facilities in connection with the operation of land or premises under the control of the Institute:
- (n) lay out, establish, maintain, improve, or operate any land or premises under the control of the Institute as scenic or tourist attractions:
- (o) act in combination or association with any person or persons for the purposes of this Act:
- (p) erect, alter, maintain, repair, improve, or reconstruct any building or premises for the purposes of this Act.

16 Contracts of Institute and members

[Repealed]

Section 16: repealed, on 23 November 1967, by section 2(4) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1967 (1967 No 104).

17 Rules of Institute

- (1) The Institute may, by resolution, make rules not inconsistent with this Act for all or any of the following purposes, namely:
 - (a) regulating the procedure of the Institute and of any committee of the Institute and the conduct of meetings of the Institute or of any such committee:
 - (b) providing for the custody of the property of the Institute and the custody and use of the common seal of the Institute:
 - (c) prescribing rules for the conduct of guides or persons employed by the Institute in the conduct of its affairs:
 - (d) prescribing fees or charges payable in respect of the conduct of the affairs of the Institute:
 - (e) providing for such matters as may be deemed necessary or expedient for duly carrying out the work of the Institute.
- (2) Notice of every resolution proposed to be submitted to any meeting for the making, amendment, or revocation of any such rules as aforesaid shall be given to every member of the Institute for the time being in New Zealand not less than 7 clear days before the day fixed for the meeting.

18 Appointment of officers

- (1) The Institute may from time to time appoint such officers and servants as are considered necessary for the exercise and performance of its functions and powers.
- (2) The Institute may pay to its officers and servants such salaries and allowances as it thinks fit.
- (3) For the purpose of providing superannuation or retiring allowances for its officers or servants, the Institute may make payments to or subsidise any retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013).

Section 18(3): replaced, on 1 April 1991, by section 80 of the National Provident Fund Restructuring Act 1990 (1990 No 126).

Section 18(3): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

19 Grants to Institute

- (1) Any local authority within the meaning of the Local Government Act 2002, or other public body, any public corporation, any company or other incorporated

body, any unincorporated body of persons, or any other person may, unless expressly prohibited by any Act or instrument of trust affecting the donor, make to the Institute donations, gifts, or loans and the Institute may accept any such donations, gifts, or loans.

- (2) Without limiting the power conferred by subsection (1) or by any other enactment, the Rotorua City Council may make grants of money or advances to the Institute upon such terms or conditions as it thinks fit and may give to the Institute such guarantee, indemnity, or security as it thinks fit to any person in respect of advances made by that person to the Institute.

Section 19(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

20 Unauthorised expenditure

The Institute may, in any financial year, expend out of its funds for purposes not authorised by this or any other Act any sum or sums not amounting in the whole to more than 100 pounds.

21 Investment of funds

Subject to the terms of any trust or endowment, any money belonging to the Institute that is not immediately required for expenditure by the Institute may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

22 Money to be banked

- (1) All money belonging to the Institute shall as soon as practicable after it has come into the hands of the treasurer or other proper officer of the Institute be paid into such bank as the Institute from time to time appoints to an account to be called the New Zealand Maori Arts and Crafts Institute Trust Account.
- (2) No money shall be withdrawn from any such account except by authority of the Institute and any cheque or other withdrawal notice shall be signed by the treasurer or other officer of the Institute appointed for the purpose.

Section 22(1): amended, on 23 November 1967, by section 2(4) of the New Zealand Maori Arts and Crafts Institute Amendment Act 1967 (1967 No 104).

23 Borrowing powers

- (1) The Institute may from time to time, with the prior approval of the Minister of Finance, and subject to such conditions as that Minister may approve, borrow money on behalf of and for the purposes of the Institute and for the development and improvement of any real or personal property vested in the Institute.
- (2) The Institute may give as security for any money borrowed under this section:
 - (a) a mortgage of or charge on any land, or any interest in land, owned by the Institute:
 - (b) a mortgage of or charge on any personal property owned by the Institute:

- (c) a floating charge on the property of the Institute.

24 Accounting records must be kept

- (1) The Institute must ensure that there are kept at all times accounting records that—
 - (a) correctly record the transactions of the Institute; and
 - (b) will enable the Institute to ensure that the financial statements of the Institute comply with this Act; and
 - (c) will enable the financial statements of the Institute to be readily and properly audited.
- (2) The Institute must establish and maintain a satisfactory system of control of those accounting records.

Section 24: replaced, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

24A Financial statements must be prepared

The Institute must ensure that, within 5 months after the end of the financial year, financial statements that comply with generally accepted accounting practice are—

- (a) completed in relation to the Institute and that financial year; and
- (b) dated and signed on behalf of the Institute by 2 members of the Institute.

Section 24A: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

24B Financial statements must be audited

- (1) The Institute must ensure that the financial statements of the Institute are audited.
- (2) The Institute is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Section 24B: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

25 Annual report

- (1) The Institute shall, not later than 1 June in every year, furnish to the Minister a report of its proceedings and operations for its preceding financial year, together with a copy of its financial statements for that year certified by the Auditor-General.
- (2) A copy of the report and of the financial statements so certified shall be laid before Parliament if then sitting, and, if not, within 28 days after the commencement of the next ensuing session.

Section 25(1): amended, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 25(1): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 25(2): amended, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

26 Fees and travelling allowances

- (1) The Institute is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.
- (2) There may be paid to the members of the Institute and of any committee appointed by the Institute, out of the funds of the Institute, 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.

27 Members of Institute not personally liable

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

Reprints notes

1 *General*

This is a reprint of the New Zealand Maori Arts and Crafts Institute Act 1963 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

New Zealand Māori Arts and Crafts Institute Vesting Act 2020 (2020 No 37): section 16(1)

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 125

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Local Government Act 2002 (2002 No 84): section 262

Human Rights Amendment Act 2001 (2001 No 96): section 70(1)

Public Audit Act 2001 (2001 No 10): sections 52, 53

New Zealand Maori Arts and Crafts Institute Amendment Act 1994 (1994 No 155)

New Zealand Tourism Board Act 1991 (1991 No 110): section 18(2)

National Provident Fund Restructuring Act 1990 (1990 No 126): section 80

State Sector Act 1988 (1988 No 20): section 88(2)

Government Superannuation Fund Amendment Act 1976 (1976 No 30): section 3(3)

New Zealand Maori Arts and Crafts Institute Amendment Act 1967 (1967 No 104)