

Version
as at 28 October 2021



Maori Purposes Fund Act 1934–35

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by Te Puni Kōkiri.

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An Act to reconstitute the Maori Purposes Fund Control Board, to redefine and extend its functions, to establish a fund to be called the Maori Purposes Fund, and to provide for the administration of the said Fund

1 Short Title

This Act may be cited as the Maori Purposes Fund Act 1934–35.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Maori Purposes Fund Board established by this Act

financial year means the period of 12 months commencing on 1 April in any year

Fund means the Maori Purposes Fund established by this Act

Fund Account means the Maori Purposes Fund Account established by this Act

Maori means a person belonging to the aboriginal race of New Zealand, and includes any person descended from a Maori.

Section 2 **Maori**: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Maori Purposes Fund

3 Maori Purposes Fund established

There is hereby established a fund to be called the Maori Purposes Fund which shall consist of—

- (a) all moneys which at the commencement of this Act are standing in the Māori Trustee's Account to the credit of the Maori Purposes Fund Account originally established by section 3 of the Maori Land Amendment and Maori Land Claims Adjustment Act 1924:
- (b) all moneys which at the commencement of this Act are standing in the Māori Trustee's Account to the credit of the Maori Ethnological Research Fund originally established by section 9 of the Maori Land Amendment and Maori Land Claims Adjustment Act 1923:

- (c) all moneys which at the commencement of this Act are standing to the credit of the account of the Maori Arts and Crafts Board established by section 48 of the Maori Purposes Act 1931:
- (d) all other moneys which at the commencement of this Act are the property of any such fund or account:
- (e) all future accumulations of all such moneys as aforesaid:
- (f) all moneys which after the commencement of this Act are contributed to the Fund under the authority of this or any other Act or are otherwise lawfully paid into the Māori Trustee's Account to the credit of the Maori Purposes Fund Account established by this Act.

Section 3(a): amended, on 27 November 1947, pursuant to section 5(3) of the Maori Purposes Act 1947 (1947 No 59).

Section 3(a): amended, on 27 November 1947, pursuant to section 9(1)(d) of the Maori Purposes Act 1947 (1947 No 59).

Section 3(b): amended, on 27 November 1947, pursuant to section 5(3) of the Maori Purposes Act 1947 (1947 No 59).

Section 3(b): amended, on 27 November 1947, pursuant to section 9(1)(d) of the Maori Purposes Act 1947 (1947 No 59).

Section 3(c): amended, on 27 November 1947, pursuant to section 9(1)(b) of the Maori Purposes Act 1947 (1947 No 59).

Section 3(f): amended, on 27 November 1947, pursuant to section 5(3) of the Maori Purposes Act 1947 (1947 No 59).

4 General objects of the Fund

The general objects for which moneys in the Fund may be applied are the following:

- (a) the promotion of the health, education, and social and economic welfare of Maori:
- (b) the encouragement and teaching of Maori arts and crafts:
- (c) research into and publication of books and papers on the arts and crafts, language, customs, traditions, and history of the Maori and cognate races of the Pacific Ocean:
- (d) the preservation of the Maori language:
- (e) the financial assistance by grant or otherwise of societies or institutions formed to carry out any such object as aforesaid or any like object.

Section 4(a): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

5 Maori Purposes Fund Account

- (1) All moneys belonging to the Fund shall be paid into the Māori Trustee's Account to the credit of a separate account therein to be called the Maori Purposes Fund Account. The account of that name established by section 3 of the Maori Land Amendment and Maori Land Claims Adjustment Act 1924 shall

be deemed to be the same account as the account established by this subsection.

- (2) Moneys shall be paid out of the Fund Account by the Māori Trustee only on requisition pursuant to a resolution of the Board in that behalf.
- (3) Proper books of account shall be kept by the Māori Trustee in which shall be entered correct records of all moneys received into and paid out of the Fund Account. Such books shall be open at all reasonable times to inspection by any member of the Board or by any authorised officer of the Board.
- (4) All expenses incurred in respect of the administration of this Act shall be paid out of the Fund Account.

Section 5(1): amended, on 27 November 1947, pursuant to section 5(3) of the Maori Purposes Act 1947 (1947 No 59).

Section 5(1): amended, on 27 November 1947, pursuant to section 9(1)(d) of the Maori Purposes Act 1947 (1947 No 59).

Section 5(2): amended, on 27 November 1947, pursuant to section 5(3) of the Maori Purposes Act 1947 (1947 No 59).

Section 5(3): amended, on 27 November 1947, pursuant to section 5(3) of the Maori Purposes Act 1947 (1947 No 59).

6 Financial statements and audit

- (1) The Māori Trustee must ensure that, within 5 months after the end of the financial year, financial statements are completed in relation to the Board and that financial year.
- (2) The financial statements must be prepared in accordance with—
 - (a) generally accepted accounting practice if the Board is a specified not-for-profit entity; or
 - (b) in any other case, either generally accepted accounting practice or a non-GAAP standard that applies for the purposes of this section.
- (3) The Māori Trustee must ensure that the financial statements of the Board are audited by the Auditor-General.
- (4) In this section,—

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

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

non-GAAP standard has the same meaning as in section 5 of the Financial Reporting Act 2013

specified not-for-profit entity has the same meaning as in section 46 of the Financial Reporting Act 2013.

Section 6: replaced, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Maori Purposes Fund Board

7 Maori Purposes Fund Board established

- (1) For the purposes of the administration of the Maori Purposes Fund there is hereby established a Board, to be called the Maori Purposes Fund Board, which shall be a body corporate with perpetual succession and a common seal and shall be capable of holding real and personal property and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.
- (2) The Board shall consist of—
 - (a) the Minister of Maori Affairs, who shall be the Chairman:
 - (b) the chief executive of the Ministry of Maori Development:
 - (c) the members of Parliament for the Maori electoral districts:
 - (d) 1 person to be appointed by the Governor-General in Council on the nomination of the New Zealand Maori Council constituted by section 17 of the Maori Community Development Act 1962:
 - (e) not more than 6 other persons to be appointed by the Governor-General in Council.
- (3) Any member of the Maori Purposes Fund Control Board as heretofore existing pursuant to section 46 of the Maori Purposes Act 1931, who is in office immediately before the commencement of this Act by virtue of appointment by the Minister of Maori Affairs shall for all purposes be deemed to be a member of the Board established by this Act, and shall continue in office under this Act until a person is appointed to be his successor under paragraph (f) of the last preceding subsection. Any such member may be reappointed pursuant to the said paragraph.
- (4) Every appointed member of the Board shall, save as hereinafter in this section provided, hold office for a term of 3 years from the date of his appointment, and shall be eligible for reappointment.
- (5) An appointed member may at any time be removed from office by the Governor-General in Council, and in such case, or in case of his death, or of his resignation by writing under his hand delivered to the Minister of Maori Affairs, his office shall become vacant, and such vacancy shall be filled by appointment by the Governor-General of some person to hold office for the residue of the term for which the person vacating office was appointed.
- (6) There shall be paid out of the Fund Account to the members of the Board (other than the Minister) 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.

Section 7(2): replaced, on 14 December 1979, by section 15(1) of the Maori Purposes Act 1979 (1979 No 136).

Section 7(2)(b): replaced, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 7(2)(c): replaced, on 11 April 2001, by section 3 of the Maori Purposes Fund Amendment Act 2001 (2001 No 13).

Section 7(3): amended, on 27 November 1947, pursuant to section 3(2) of the Maori Purposes Act 1947 (1947 No 59).

Section 7(3): amended, on 27 November 1947, pursuant to section 9(1)(b) of the Maori Purposes Act 1947 (1947 No 59).

Section 7(5): amended, on 27 November 1947, pursuant to section 3(2) of the Maori Purposes Act 1947 (1947 No 59).

Section 7(6): replaced, on 1 April 1952, by section 10(1) of the Fees and Travelling Allowances Act 1951 (1951 No 79).

8 Contracts of Board

- (1) Any contract which, if made between private persons, must be by deed, shall, when made by the Board, be in writing under the common 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, may, when made by the Board, be in writing signed by any member of the Board acting on behalf of and by direction of the Board.
- (3) Any contract which, if made between private persons, may be made verbally without writing, may, when made by the Board, be made verbally without writing by any member of the Board acting on behalf of and by direction of the Board.
- (4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in the manner provided by this section if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

9 Meetings of the Board

- (1) The Board shall in each year hold an annual meeting in Wellington, in accordance with the next succeeding subsection, and shall from time to time hold ordinary meetings for the transaction of its business at such times and places as the Board itself by resolution or the Chairman from time to time determines, and shall hold special meetings on requisition by not less than 2 members of the Board stating the nature of the business proposed to be transacted. No decision of the Board shall be given otherwise than by resolution passed at the annual meeting or at an ordinary or special meeting as aforesaid.
- (2) If Parliament is in session in July in any year, the annual meeting shall be held in that month or in August; if Parliament is not in session in July in any year, the annual meeting shall be held within 1 month after the commencement of the next ensuing session.

- (3) At all meetings of the Board 5 members shall constitute a quorum.
- (4) In the absence of the Minister of Maori Affairs from any meeting of the Board, the members present shall appoint one of their number to be the Chairman for that meeting.
- (5) The Chairman shall have a deliberative vote and in case of an equality of votes shall also have a casting vote.
- (6) Subject to regulations under this Act in that behalf, the Board may regulate its own procedure.
- (7) No act or proceeding of the Board shall be deemed to be invalid by reason of any vacancy in the membership thereof at the time of such act or proceeding or by reason of the fact that any person may have acted as a member of the Board after the vacation of his office.
- (8) Notwithstanding the provisions of subsection (1), a resolution in writing, signed or assented to by letter or telegram by such number of members of the Board as constitutes a quorum thereof, shall be as valid and effectual as if it had been passed at a duly called and constituted meeting:

provided that no such resolution shall have effect unless notice in writing of the proposed resolution has been given to each member of the Board at least 14 days before the resolution is to become effective and that each resolution passed in accordance with this subsection shall be laid before the Board at the annual meeting next following the date of the passing of the resolution.

Section 9(4): amended, on 27 November 1947, pursuant to section 3(2) of the Maori Purposes Act 1947 (1947 No 59).

Section 9(8): inserted, on 24 October 1957, by section 8 of the Maori Purposes Act 1957 (1957 No 81).

10 Powers of Board with respect to land and chattels

- (1) In connection with the administration of the Fund the Board may—
 - (a) acquire land or any interest in land or any chattels by way of purchase, gift, or otherwise howsoever:
 - (b) sell or otherwise dispose of any land or interest in land or any chattels acquired by it:
 - (c) expend moneys of the Fund on the maintenance and improvement of any land or buildings owned or otherwise held by it, or for the payment of interest or other charges on any land or other property:
 - (d) agree to any land vested in it being subject to any consolidation or development scheme under the Maori Land Act 1931 or any other Act relating to Maori land or other land held or administered for the use or benefit of Maori.
- (2) All moneys required by the Board for the purpose of exercising any of the powers conferred by the last preceding subsection shall be payable out of moneys belonging to the Fund, and all moneys received by the Board from the

exercise of any such powers shall become moneys of the Fund and be paid into the Māori Trustee's Account to the credit of the Fund Account.

Section 10(1)(d): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 10(1)(d): amended, on 27 November 1947, pursuant to section 4(1) of the Maori Purposes Act 1947 (1947 No 59).

Section 10(2): amended, on 27 November 1947, pursuant to section 5(3) of the Maori Purposes Act 1947 (1947 No 59).

10A Investment of Maori Purposes Fund

The Board may, from time to time, invest any money of the Fund in any investments for the time being authorised by law for the investment of trust funds.

Section 10A: inserted, on 24 October 1957, by section 9 of the Maori Purposes Act 1957 (1957 No 81).

11 Expenditure of moneys of the Fund

- (1) In addition to any powers specifically conferred on it by this Act with respect to the Fund the Board may from time to time expend moneys of the Fund for all or any of the following purposes, namely:
- (a) for the promotion of the health of Maori—
 - (i) by installing, or making grants towards the cost of installing, water supplies, sanitation works, and drainage in Maori settlements:
 - (ii) by promoting, carrying out, subsidising, or making grants or loans for the housing of Maori:
 - (iii) by providing, subsidising, or making grants for medical, nursing, and dental services:
 - (iv) by making grants or loans to any associations or bodies of persons formed for promoting or conserving in any way, either alone or in conjunction with other objects, the health and physical well-being of Maori:
 - (b) for the promotion of the social and economic welfare of Maori—
 - (v) by making grants or loans towards the cost of the construction, establishment, management, maintenance, repair, or improvement of Maori meeting houses, villages, or maraes:
 - (vi) by promoting tribal and other meetings and the interchange of visits, and by other means endeavouring to bring about and maintain friendly relations among Maori and between the Maori people and cognate races of the Pacific Ocean:
 - (vii) by making grants or loans to groups or associations of Maori for tribal purposes:

- (viii) by developing or subsidising or making grants or loans for farming or other industries:
- (c) for the promotion of the education of Maori in all its aspects—
 - (ix) by establishing or assisting in the establishment of and equipping, managing, and conducting schools, or by financial assistance or grants of equipment or material to established schools, or other educational institutions, or by grants to funds established or bodies formed for the promotion of the education of Maori:
 - (x) by founding and maintaining scholarships, exhibitions, bursaries, and other like means of enabling Maori to secure the benefits of education:
- (d) for the encouragement and teaching of Maori arts and crafts—
 - (xi) by the establishment of a school or schools of Maori art or other institutions for the study of the arts and crafts as known to and practised by the Maori people:
 - (xii) by making grants to any school or class established or formed for the purpose of giving instruction in or encouraging the practice of Maori arts and crafts:
 - (xiii) by acquiring specimens of and books or publications connected with Maori arts and crafts:
 - (xiv) by printing or reprinting and publishing any books or papers dealing with or containing any reference to Maori arts and crafts:
 - (xv) by adequately housing and otherwise safeguarding and maintaining all specimens of Maori arts and crafts acquired by it and all Maori antiquities and other things entrusted to its custody by the owners thereof, and any other articles belonging to or in the custody of the Board:
- (e) for research into the arts and crafts, language, customs, traditions, and history of the Maori and cognate races of the Pacific Ocean, and the preservation of the Maori language—
 - (xvi) by printing and publishing any book, paper, matter, record, or other document, drawing, sketch, photograph, or other pictorial record:
 - (xvii) by purchasing books, periodicals, manuscripts, drawings, sketches, paintings, photographs, carvings, and other articles:
 - (xviii) by securing phonographic and other records of Maori and Polynesian songs and chants, and of their language:
 - (xix) by financially assisting in such manner as it thinks fit any publication wherever published, or any society or person in New Zealand

or elsewhere engaged in any matter to which this paragraph relates:

- (xx) by organising and equipping and conducting, or by assisting in or contributing towards the cost of organising, equipping, and conducting, any expedition to any part of New Zealand or to any island in the Pacific Ocean for the investigation of the life, customs, history, traditions, arts and crafts, work, and language of the native inhabitants, and the collection of records relating thereto.
- (2) Where the Board establishes or manages or conducts any school or other institution as aforesaid, or carries out any work, it may, for the purposes thereof, from time to time appoint such instructors and other officers and servants as it thinks fit, and may fix fees to be paid for instruction in, and make rules for the conduct and management of, such school or other institution.

Section 11(1)(a): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 11(1)(a)(i): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 11(1)(a)(ii): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 11(1)(a)(iv): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 11(1)(b): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 11(1)(b)(vi): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 11(1)(b)(vii): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 11(1)(c): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 11(1)(c)(ix): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 11(1)(c)(x): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

12 Local authorities and other public bodies, trustees and other bodies, and persons may make donations, etc, to Board

Any local authority or other public body, any company or other incorporated body, any unincorporated body of persons, any trustee or trustees (including the Māori Trustee), or any other person may, unless expressly prohibited by any Act or instrument of trust affecting it, him, or them, make to the Board, and the Board may accept, donations or gifts of land or any interest in land, money, or chattels for the purpose of aiding the Board in carrying out its functions under this Act, or may place in the custody of the Board any specimens of Maori arts and crafts or any Maori antiquities or any books, papers, or documents, or paintings, sketches, drawings, photographs, carvings, or other pictorial records.

Section 12: amended, on 27 November 1947, pursuant to section 5(3) of the Maori Purposes Act 1947 (1947 No 59).

13 Board may appoint committees for particular purposes

- (1) The Board may from time to time appoint, discharge, alter, continue, or reconstitute standing or special committees, and may refer to such committees any matters for consideration or inquiry or management or regulation; and, subject to and within the limits prescribed by regulations in that behalf, may delegate to any such committee any of the powers or duties of the Board.
- (2) It shall not be necessary that any person appointed to be a member of a committee under this section shall be a member of the Board.

General

14 Annual report, etc

- (1) The Board shall in each financial year cause to be prepared a report of its operations and commitments during the preceding financial year, together with an estimate of the moneys that will be required by it for expenditure during such first-mentioned year, and such report and estimate and the audited financial statements mentioned in section 6 shall be laid before and considered by the Board at its annual meeting.
- (2) Within 14 days after the annual meeting all such documents as aforesaid shall be laid before the House of Representatives, if Parliament is then in session, and if not, then within 14 days after the commencement of the next ensuing session.

Section 14(1): amended, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 14(2): amended, on 1 January 1951, pursuant to section 2(4) of the Legislative Council Abolition Act 1950 (1950 No 3).

15 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make regulations—
 - (a) prescribing the records to be kept by the Board and the form of such records, and regulating the keeping of such records:
 - (b) regulating the keeping of accounts and other records of moneys received into and paid out of the Fund Account, and generally regulating expenditure by the Board:
 - (c) fixing the travelling allowances and travelling expenses that may be paid to members of the Board:
 - (d) regulating the procedure of the Board:
 - (e) regulating the delegation of powers and duties by the Board to committees, and fixing the limits of such delegation:

- (f) prescribing the terms and conditions of any loans granted by the Board pursuant to section 11:
 - (g) prescribing all such other matters as may be deemed necessary or expedient for the purpose of giving full effect to this Act or for which regulations may be contemplated by this Act.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(2) *[Repealed]*

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 15(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 15(2): repealed, on 19 December 1989, by section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

16 Repeals, abolition of boards, and savings

- (1) Sections 46, 47, and 48 of the Maori Purposes Act 1931 are hereby repealed.
- (2) The Maori Purposes Fund Control Board, the Board of Maori Ethnological Research, and the Maori Arts and Crafts Board, as respectively constituted under those sections, are hereby dissolved.
- (3) All real and personal property of the said boards (other than moneys thereof declared by section 3 to form part of the Fund) shall on the commencement of this Act vest in the Board established by this Act without conveyance or assignment for the estate and interest of the said boards therein, subject to all liabilities, charges, obligations, or trusts affecting that property, and all the contracts, debts, and liabilities of any of those boards shall become the contracts, debts, and liabilities of the Board.
- (4) All regulations heretofore made under any of the enactments repealed by this section, and all acts done and all payments heretofore made or authorised to be made by any of the said boards or by any other person in exercise or intended exercise of any power conferred by any such regulations, shall for all purposes be deemed to have been lawfully made or done or authorised, as the case may be, and the Board established by this Act may make any such payment so authorised but not made at the commencement of this Act.
- (5) All moneys required by the Board for the purpose of discharging its obligations under any contract or of meeting any debts or discharging any liabilities transferred to it as aforesaid, or of making any payment authorised by the last preceding subsection, shall be payable out of the Fund Account.

Section 16(1): amended, on 27 November 1947, pursuant to section 9(1)(b) of the Maori Purposes Act 1947 (1947 No 59).

Notes

1 *General*

This is a consolidation of the Maori Purposes Fund Act 1934–35 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

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

Maori Purposes Fund Amendment Act 2001 (2001 No 13)

Ministry of Maori Development Act 1991 (1991 No 145): section 9(1)

Regulations (Disallowance) Act 1989 (1989 No 143): section 11

Maori Purposes Act 1979 (1979 No 136): section 15(1)

Maori Purposes Act 1957 (1957 No 81): sections 8, 9

Fees and Travelling Allowances Act 1951 (1951 No 79): section 10(1)

Legislative Council Abolition Act 1950 (1950 No 3): section 2(4)

Maori Purposes Act 1947 (1947 No 59): sections 2, 3(2), 4(1), 5(3), 9(1)(b), (d)