Version
as at 8 December 2009

Māori Trustee Amendment Act 2009

Public Act	2009 No 12
Date of assent	12 May 2009
Commencement	see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Māori Development—Te Puni Kōkiri.

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1 Title

This Act is the Māori Trustee Amendment Act 2009.

2 Commencement

This Act comes into force on 1 July 2009.

3 Principal Act amended

This Act amends the Maori Trustee Act 1953.

Part 1
Amendments to principal Act

4 This Act to be read with Te Ture Whenua Maori Act 1993

(1) Section 2 is amended by omitting the heading and substituting the following heading: "**Interpretation**".

(2) Section 2 is amended by adding the following subsections:

(3) Without limiting subsection (1), in this Act, unless the context otherwise requires,—

Appropriation Account means the account provided for under section 23

Common Fund means the separate fund authorised by section 23(1)(b)

General Purposes Fund means the separate fund authorised by section 23(1)(c)

Māori Trustee—

(a) means the Māori Trustee established by section 3; and

(b) includes, as the context requires, the Māori Trustee who—

(i) is appointed under section 6; or

(ii) continues to hold office under section 6A.

5 New headings and sections 3 to 6E substituted

The headings above sections 3 and 4 and sections 3 to 6 are repealed and the following headings and sections substituted:

Māori Trustee established

3 Māori Trustee established

(1) This section establishes the Māori Trustee.

(2) The Māori Trustee is a corporation sole with perpetual succession and a seal of office.

Capacity, powers, and status of Māori Trustee

4 Capacity and powers of Māori Trustee

(1) For the purpose of exercising the powers and performing the functions and duties of the Māori Trustee conferred by or under this Act or any other enactment, the Māori Trustee has—

(a) full capacity to carry on or undertake any business or activity, do any act, or enter into any transaction; and

(b) for the purpose of paragraph (a), full rights, powers, and privileges.

(2) Subsection (1) applies subject to—

(a) the provisions of this Act and any other enactment; and

(b) the general law.

5 Independence of Māori Trustee

In exercising the powers and performing the functions and duties of the Māori Trustee in his or her fiduciary capacity under this Act or any other enactment, the Māori Trustee must act independently, free from any direction or instruction from the Crown.

Provisions relating to appointment of Māori Trustee

6 Appointment of Māori Trustee

(1) The Māori Trustee is appointed by the Minister.

(2) An appointment made under subsection (1) must be made by written notice to the person appointed.

(3) The notice must—

(a) state the date on which the appointment takes effect, which must not be earlier than the date on which the notice is received; and

(b) state the period for which the appointment is made, which must not exceed a period of 5 years; and

(c) be published by the Minister in the *Gazette* as soon as practicable after being given.

(4) The person appointed under this section—

(a) may be reappointed; and

(b) continues in office, despite the expiry of his or her term of office, until—

(i) the person is reappointed; or

(ii) the person's successor is appointed; or

(iii) the person ceases to be the Māori Trustee in a circumstance provided for in section 6B.

6A Continuation of appointment

Despite section 6, the person holding office as the Maori Trustee immediately before the commencement of the Māori Trustee Amendment Act 2009 is the Māori Trustee within the meaning of this Act and may hold that office for a period of up to 5 years from the commencement of the Māori Trustee Amendment Act 2009, as may be determined by the Minister and notified in accordance with section 6(3).

6B Termination of appointment of Māori Trustee

(1) The Māori Trustee ceases to hold office if he or she—

(a) resigns from office by written notice to the Minister; or

(b) is removed or suspended from office under subsection (2); or

(c) ceases to hold office as the Māori Trustee under this Act.

(2) The Minister may, if the Minister is satisfied that there is just cause, remove or suspend the Māori Trustee from office by written notice to the Māori Trustee, stating—

(a) the date on which the removal or suspension takes effect, which must not be earlier than the date on which the notice is received; and

(b) the reasons for the removal or suspension; and

(c) in the case of a suspension from office,—

(i) the date on which the person's appointment will be reinstated; or

(ii) the event upon which his or her reinstatement depends.

(3) The Minister must notify the removal or suspension in the *Gazette* as soon as practicable after notice is given to the Māori Trustee.

(4) The Māori Trustee is not entitled to receive compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as the Māori Trustee.

(5) In exercising his or her powers under this section, the Minister must observe the rules of natural justice.

(6) In subsection (2), **just cause** means—

(a) undischarged bankruptcy, misconduct, or neglect of duty; or

(b) inability to perform the functions and duties of the Māori Trustee.

Appointments by Māori Trustee

6C Deputy Māori Trustee

(1) The Māori Trustee must appoint a Deputy Māori Trustee.

(2) The Deputy Māori Trustee is an employee of the Māori Trustee.

(3) In the case of a vacancy in the office of the Māori Trustee, or if the Māori Trustee is unable to perform the functions and duties of the Māori Trustee under this Act or any other enactment, or is for any reason prevented from doing so, the Deputy Māori Trustee has and may exercise the powers and perform the functions and duties of the Māori Trustee for as long as the vacancy or absence continues.

(4) The powers exercised, and functions and duties performed, by the Deputy Māori Trustee under subsection (3) may not be questioned in any proceeding on the ground that the occasion for the Deputy Māori Trustee to act had not arisen or had ceased.

6D Other employees

(1) The Māori Trustee may appoint the employees that the Māori Trustee considers appropriate to enable the Māori Trustee to exercise the powers and perform the functions and duties of office under this Act effectively and efficiently.

(2) The Governor-General may, by Order in Council, provide that the Māori Trustee must not, in relation to any or all employees (including the Deputy Māori Trustee), agree to terms and conditions of employment in a collective employment agreement, or an amendment to those terms and conditions, without—

(a) consulting the State Services Commissioner; and

(b) having regard to the recommendations that the State Services Commissioner may make to the Māori Trustee within a reasonable time of being consulted.

Delegation

6E Delegation by Māori Trustee

(1) The Māori Trustee may delegate to the Deputy Māori Trustee any of the powers, functions, or duties conferred on the Māori Trustee by or under this Act or any other enactment.

(2) Subject to any general or express directions of the Māori Trustee, the Deputy Māori Trustee has and may exercise all the powers, or perform the functions and duties, delegated by the Māori Trustee in the same manner and with the same effect as if they had been conferred on the Deputy Māori Trustee directly by or under this Act or any other enactment.

(3) A delegation under this section—

(a) must be in writing; and

(b) is revocable in writing at any time; and

(c) may be made subject to any restrictions or conditions that the Māori Trustee thinks fit; and

(d) does not prevent the exercise of a power or performance of a function or duty by the Māori Trustee; but

(e) does not include a power of delegation.

(4) In the absence of proof to the contrary, the Deputy Māori Trustee, when purporting to act under a delegation, is presumed to be acting in accordance with the terms of the delegation.

(5) Powers exercised, functions or duties performed, and decisions made by the Deputy Māori Trustee, acting as the delegate of the Māori Trustee, may not be questioned in any proceeding on the ground that the occasion for the Deputy Māori Trustee to act had not arisen or had ceased.

6 New heading inserted

The following heading is inserted above section 7: "*Further provisions relating to powers and functions of Māori Trustee*".

7 Māori Trustee's Account

Section 17 is amended by adding the following subsection:

(4) Money may be paid out of the Appropriation Account in the Māori Trustee's Account for the purposes that are agreed to from time to time between the Māori Trustee and the Crown.

8 Section 19 repealed

Section 19 is repealed.

9 Section 21 repealed

Section 21 is repealed.

10 Accounts within Māori Trustee's Account

(1) Section 23(1) is amended by adding the following paragraph:

(h) the Appropriation Account.

(2) Section 23 is amended by inserting the following subsection after subsection (5):

(5A) All money received by way of Crown appropriation must be credited to the Appropriation Account in the Māori Trustee's Account.

11 New sections 26 to 26B substituted

Section 26 is repealed and the following sections are substituted:

26 Money held in Common Fund invested in Fund

(1) All money held in trust in the Common Fund is invested in that fund, and any income derived from investment of the money forms part of the Common Fund.

(2) Unless an exception is provided for in regulations made under section 52(a)(i), the Māori Trustee must pay distributable income at least annually on that money, in accordance with subsection (3) and as provided for in regulations made under section 52(a)(ii).

(3) Distributable income payable under subsection (2) must be calculated in accordance with the following formula:

$$a - b = c$$

where—

a is the total amount of money received by the Māori Trustee as income, including amounts properly determined to be realised capital gains less capital losses, from the money held by the Māori Trustee in trust in the Common Fund

b is the total amount of the management fees that the Māori Trustee is entitled to charge or retain under section 26A

c is the amount of distributable income that must be paid annually under subsection (2), which must be apportioned in accordance with regulations made under section 52(b).

(4) The Māori Trustee must review, on a quarterly basis, the extent to which the distributable income payable under subsection (2) is commensurate with fair market distributable income paid for the relevant quarter, relative to funds that are—

(a) comparable in size to those held in trust in the Common Fund; and

(b) subject to conditions comparable to the conditions applying to the Common Fund.

(5) On and from the date that is 6 months after the commencement of the Māori Trustee Amendment Act 2009, distributable income on investments in the Common Fund must be paid out of the Common Fund.

26A Management fees

The Māori Trustee may charge or retain a management fee, calculated in accordance with regulations made under section 52(c), for the management of money held in trust in the Common Fund.

26B Disclosure requirements

(1) The Māori Trustee must report to account holders on the matters and in the manner prescribed by regulations made under section 52(d), including—

(a) the amount of distributable income payable in respect of each account; and

(b) the management fee charged or retained under section 26A; and

(c) the net amount of distributable income to be paid; and

(d) such other matters that the Māori Trustee considers necessary or desirable.

(2) The annual report of the Māori Trustee must include a report on the total amount of distributable income, less management fees charged or retained, paid on money held in trust in the Common Fund.

12 Investment of Common Fund

Section 28 is amended by repealing subsection (3) and substituting the following subsection:

(3) On and from the date that is 6 months after the commencement of the Māori Trustee Amendment Act 2009, all income (including realised capital gains and capital losses) received from the investment of money in the Common Fund must be paid into the Common Fund.

13 Section 41 repealed

Section 41 is repealed.

14 New section 52 substituted

Section 52 is repealed and the following section substituted:

52 Regulations

The Governor-General may, by Order in Council, on the recommendation of the Minister of Māori Affairs, make regulations—

(a) for the purpose of section 26(2),—

(i) defining any special circumstances or cases in which the Māori Trustee, though required to credit distributable income to an account, is not required to pay distributable income under that section, including, without limitation, prescribing the sum of money below which the Māori Trustee is not required to make a distributable income payment:

(ii) setting out how and to whom distributable income is to be paid:

(b) for the purpose of section 26(3), providing for the apportionment of distributable income:

(c) for the purpose of section 26A, prescribing the basis on which the management fee must be calculated and charged or retained:

(d) for the purpose of section 26B(1), prescribing how, when, and to whom, in each financial year, the Māori Trustee must make the required disclosures:

(e) for other purposes expressly provided for in this Act:

(f) prescribing any other matters contemplated by this Act or necessary for its administration or to give it full effect.

15 Section 53 repealed

Section 53 is repealed.

Part 2
Transitional provisions and consequential amendments

Transitional matters

16 Interpretation

In this section and sections 17 to 30, unless the context otherwise requires,—

document has the meaning given to it by section 4(1) of the Evidence Act 2006

existing undertaking—

(a) means—

(i) all property and estates administered, held, managed, or controlled by the Maori Trustee or the Maori Trust Office before the commencement of this Act, including the funds and accounts within the Māori Trustee's Account, as provided for in section 23, before the commencement of this Act; and

(ii) all rights and liabilities of the Maori Trustee and the Maori Trust Office before the commencement of this Act; and

(b) includes any reserves of the Maori Trustee or Maori Trust Office in existence before the commencement of this Act

fiduciary rights and liabilities includes all rights, capacities, authorities, discretions, duties, and liabilities of the Maori Trustee as a fiduciary

liabilities means liabilities, debts, charges, duties, and obligations (whether present or future, actual or contingent, or payable or to be observed or performed in New Zealand or elsewhere)

Maori Trust Office has the meaning it had immediately before the commencement of this Act

new Māori Trustee means the office established by section 3 of the principal Act

old Maori Trustee means the Maori Trustee within the meaning of the principal Act immediately before the commencement of this Act.

17 New Māori Trustee succeeds to existing undertaking

On and from the commencement of this Act, the new Māori Trustee succeeds to—

(a) the existing undertaking, which is binding on the new Māori Trustee; and

(b) the fiduciary rights and liabilities, which bind the new Māori Trustee.

18 Dissolution of Maori Trust Office

On and from the commencement of this Act, the Maori Trust Office is dissolved.

19 Contracts and other instruments

(1) A reference (express or implied) to the old Maori Trustee or the Maori Trust Office in any instrument, register, record, notice, security, document, or communication made, given, passed, or executed before or on the commencement of this Act must be read as a reference to the new Māori Trustee.

(2) A reference (express or implied) to an officer of the Maori Trust Office in any instrument, register, record, notice, security, document, or communication made, given, passed, or executed before or on the commencement of this Act must be read as a reference to the corresponding employee of the new Māori Trustee, or if there is no corresponding employee, to another appropriate employee of the new Māori Trustee.

(3) Contracts, agreements, conveyances, deeds, leases, licences, and other instruments, undertakings, and notices (whether in writing or not), entered into by, made with, given to or by, or addressed to the old Maori Trustee or the Maori Trust Office (whether alone or with another person) before the commencement of this Act and having effect immediately before that date (**contracts and other instruments**) are subject to subsection (4).

(4) The contracts and other instruments referred to in subsection (3) are binding on, and enforceable by, against, or in favour of, the new Māori Trustee as if the new Māori Trustee, rather than the old Maori Trustee, the Maori Trust Office, or the chief executive of Te Puni Kōkiri had been the person or entity by whom they were entered into, with whom they were made, or to or by whom they were given or addressed.

20 Status of existing securities

(1) A security held by the old Maori Trustee or the Maori Trust Office as security for a debt or other liability to the old Maori Trustee or the Maori Trust Office incurred before the commencement of this Act—

(a) is available to the new Māori Trustee as security for the discharge of that debt or liability; and

(b) if the security extends to future or prospective debts or liabilities, is available as security for the discharge of debts or liabilities to the new Māori Trustee incurred on or after the commencement of this Act.

(2) The new Māori Trustee is entitled to the same rights and priorities, and is subject to the same liabilities, in relation to the security as the old Maori Trustee or the Maori Trust Office would be if this Act had not been passed.

21 Continuation of proceedings

(1) An action, arbitration, proceeding, or cause of action that was pending or that existed by, against, or in favour of the old Maori Trustee or the Maori Trust Office, or to which the old Maori Trustee or the Maori Trust Office was a party, before the commencement of this Act may be continued and enforced by, against, or in favour of the new Māori Trustee.

(2) It is not necessary to amend a pleading, writ, or other document to continue the action, arbitration, proceeding, or other cause of action.

22 Effect of Act

(1) Nothing done or authorised by this Act—

(a) places the old Maori Trustee, the Maori Trust Office, the new Māori Trustee, or any other person in breach of contract or confidence, or makes any of them liable for a civil wrong; or

(b) entitles a person to terminate or cancel a contract or arrangement, or to accelerate the performance of an obligation, or to impose a penalty or increased charge; or

(c) places the old Maori Trustee, the Maori Trust Office, the new Māori Trustee, or any other person in breach of an enactment, a rule of law, or a provision of a contract that prohibits, restricts, or regulates the assignment or transfer of property or the disclosure of information; or

(d) releases a surety from an obligation; or

(e) invalidates or discharges a contract or surety.

(2) A document, matter, or thing that would have been admissible in evidence for or against the old Maori Trustee or the Maori Trust Office is, on and after the commencement of this Act, admissible in evidence for or against the new Māori Trustee.

23 Registers

(1) A Registrar of Deeds, the Registrar-General of Land, or any other person charged with keeping books or registers is not required to change the name of the old Maori Trustee or the Maori Trust Office to the new Māori Trustee in the books or registers, or in a document, solely because of the provisions of this Act.

(2) If the new Māori Trustee presents an instrument referred to in subsection (3) to a registrar or other person, the presentation of that instrument by the new Māori Trustee is, in the absence of proof to the contrary, sufficient evidence that the property is vested in the new Māori Trustee.

(3) For the purposes of this section, the instrument need not be an instrument of transfer, but must—

(a) be executed, or purport to be executed, by the new Māori Trustee; and

(b) relate to property held by the old Maori Trustee or the Maori Trust Office immediately before the commencement of this Act; and

(c) be accompanied by a certificate by the new Māori Trustee that the property became vested in the new Māori Trustee by virtue of the provisions of this Act.

24 Transfer of employees

(1) On and from the commencement of this Act, every person employed in the Maori Trust Office immediately before that date ceases to be employed in the Maori Trust Office and becomes an employee of the new Māori Trustee (**transferred employee**).

(2) However, subsection (1) does not apply to the old Maori Trustee in his capacity as the general manager of the Maori Trust Office immediately before the commencement of this Act and the old Maori Trustee is not entitled to compensation or other payment or benefit relating to his ceasing to be the general manager of the Maori Trust Office.

25 Protection of employment conditions

(1) In the case of a transferred employee who, immediately before the commencement of this Act, is employed on an individual employment agreement, the transferred employee must be employed by the new Māori Trustee on terms and conditions no less favourable than those applying to that employee immediately before the commencement of this Act.

(2) Transferred employees who, immediately before the commencement of this Act, are employed under a collective employment agreement are, on and after the commencement of this Act, employed by the new Māori Trustee on a collective employment agreement with terms and conditions no less favourable than those on which those employees were employed immediately before the commencement of this Act.

(3) Subsections (1) and (2)—

(a) continue to apply to the terms and conditions of employment of a transferred employee until those terms and conditions are varied by agreement between the transferred employee (or his or her representative) and the new Māori Trustee; but

(b) do not apply to a transferred employee who receives any subsequent appointment with the new Māori Trustee.

26 Continuity of employment

For the purposes of every enactment, law, contract, and agreement relating to the employment of a transferred employee,—

(a) the contract of employment of that person applying immediately before the commencement of this Act in respect of that person's employment in the Maori Trust Office is to be treated as having been unbroken; and

(b) a reference to the chief executive of Te Puni Kōkiri in the contract of employment of a transferred employee must be read as a reference to the new Māori Trustee; and

(c) the person's period of service in the Maori Trust Office is to be treated as a period of service with the new Māori Trustee under this Act.

27 No compensation for redundancy

A transferred employee is not entitled to compensation for redundancy by reason only of the person ceasing to be an employee in the Maori Trust Office.

28 Membership of Government Superannuation Fund

(1) If a transferred employee was a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 immediately before the commencement of this Act,—

(a) that person is to be regarded, for the purposes of the Government Superannuation Fund Act 1956, as being employed in the Government service for so long as the person continues to be employed by the new Māori Trustee under the principal Act; and

(b) the Government Superannuation Fund Act 1956 is deemed to apply to the person in all respects as if the person's service with the Government service were continuous.

(2) For the purposes of this section, subsection (1) applies to the new Māori Trustee as if the new Māori Trustee were a transferred employee.

Taxation and other duties

29 Taxes and duties

(1) This section applies for the purposes of the Inland Revenue Acts and any other enactment that imposes or provides for the collection of any tax, duty, levy, rate, or other charge.

(2) On and from the commencement of this Act,—

(a) the old Maori Trustee and the new Māori Trustee are to be treated as the same person; and

(b) all transactions entered into by, and all acts of, the old Maori Trustee before the commencement of this Act are to be treated as having been entered into or performed by the new Māori Trustee on the date on which they were entered into or performed by the old Maori Trustee.

(3) In this section, **Inland Revenue Acts** has the same meaning as in section 3(1) of the Tax Administration Act 1994.

Section 29(3): amended (with effect on 1 July 2009), on 8 December 2009, by section 165 of the Taxation (Consequential Rate Alignment and Remedial Matters) Act 2009 (2009 No 63).

Consequential and other amendments

30 Enactments amended

(1) The enactments listed in the Schedule are amended in the manner set out in that schedule.

(2) On and from the commencement of this Act, except as expressly provided or unless the context otherwise requires, every reference in any enactment or document to—

(a) the Maori Trustee must be read as a reference to the Māori Trustee, as defined in section 2(3) of the principal Act; and

(b) the Maori Trust Office must be read as a reference to the Māori Trustee, as defined in section 2(3) of the principal Act.

Schedule
Consequential amendments to other Acts

s 30

Administration Act 1969 (1969 No 52)

Heading to section 20: omit "Maori" and substitute "Māori".

Section 20(1)(a) and (b): omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Crown Proceedings Act 1950 (1950 No 54)

Section 2: omit the definition of **Government Department** or **department** and substitute the following definition:

> **Government Department** or **department**—
>
> (a) means Public Trust and every other department or instrument of the Executive Government of New Zealand; and
>
> (b) includes the Māori Trustee

Section 35(2)(j): omit "Maori Trustee" and substitute "Māori Trustee".

Insolvency Act 2006 (2006 No 55)

Heading to section 386: omit "**Maori**" and substitute "**Māori**".

Section 386: omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Maori Affairs Restructuring Act 1989 (1989 No 68)

Section 43(1): omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Section 43(1): omit "Maori Trustee's Account" and substitute "Māori Trustee's Account".

Maori Community Development Act 1962 (1962 No 133)

Section 24: omit "Maori Trustee" and substitute "Māori Trustee".

Maori Housing Act 1935 (1935 No 34)

Heading to section 27: omit "**Maori**" and substitute "**Māori**".

Section 27: omit "Maori Trustee" and substitute "the Māori Trustee".

Maori Purposes Act 1954 (1954 No 59)

Section 5(2) and (7): omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Maori Reserved Land Act 1955 (1955 No 38)

Heading to section 8: omit "**Maori**" and substitute "**Māori**".

Section 8(1) and (2): omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Maori Soldiers Trust Act 1957 (1957 No 29)

Section 5: omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Heading to section 5A: omit "**Maori**" and substitute "**Māori**".

Section 5A: omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Maori Vested Lands Administration Act 1954 (1954 No 60)

Section 4A(1)(b): omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Section 31(1): omit "Maori Trustee" and substitute "Māori Trustee".

Heading to section 55: omit "**Maori**" and substitute "**Māori**".

Section 55: omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Section 56: omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Heading to section 64: omit "**Maori**" and substitute "**Māori**".

Section 64: omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Mining Tenures Registration Act 1962 (1962 No 48)

Section 15(2)(b): omit "Maori Trustee" and substitute "Māori Trustee".

Official Information Act 1982 (1982 No 156)

Paragraph (g) of the definition of **official information** in section 2(1) is amended by omitting "Maori" and substituting "Māori".

Ombudsmen Act 1975 (1975 No 9)

Part 2 of Schedule 1: omit "Maori Trustee" and substitute "Māori Trustee".

Protection of Personal and Property Rights Act 1988 (1988 No 4)

Section 41: omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Section 41(1): omit "the Maori Trust Office" and substitute "the Māori Trustee".

Public Audit Act 2001 (2001 No 10)

Schedule 2: omit "Maori Trustee".

Public Finance Act 1989 (1989 No 44)

Column 1 of Schedule 4: insert "the Māori Trustee" in its appropriate alphabetical order.

The item relating to the Māori Trustee in Schedule 4: insert a tick in each of the third and fourth columns.

Queen Elizabeth the Second Postgraduate Fellowship of New Zealand Act 1963 (1963 No 2)

Heading to section 3: omit "**Maori**" and substitute "**Māori**".

Section 3: omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Remuneration Authority Act 1977 (1977 No 110)

Schedule 4: insert "Māori Trustee" in its appropriate alphabetical order.

Te Ture Whenua Maori Act 1993 (1993 No 4)

Definition of **Maori Trustee** in section 4: omit "**Maori Trustee**" and substitute "**Māori Trustee**".

Definition of **Maori Trustee** in section 4: omit "Maori Trustee" and substitute "Māori Trustee".

Heading to section 159: omit "**Maori**" and substitute "**Māori**".

Section 159: omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Section 193(2) and (3): omit "Maori Trustee" in each place where it appears and substitute in each case "Māori Trustee".

Section 224(h)(i): omit "Maori Trustee" and substitute "Māori Trustee".

Section 225(k)(i): omit "Maori Trustee" and substitute "Māori Trustee".

Trustee Act 1956 (1956 No 61)

Section 49(5)(a): omit "Maori Trustee" and substitute "Māori Trustee".

Section 50(4)(a): omit "Maori Trustee" and substitute "Māori Trustee".

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5 List of amendments incorporated in this reprint (most recent first)

Notes

1 General

This is a reprint of the Māori Trustee Amendment Act 2009. The reprint incorporates all the amendments to the Act as at 8 December 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see* http://www.pco.parliament.govt.nz/editorial-conventions/ or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as "of this section" and "of this Act")
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as "the 1st day of January 1999" is now expressed as "1 January 1999")
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 List of amendments incorporated in this reprint (most recent first)

Taxation (Consequential Rate Alignment and Remedial Matters) Act 2009 (2009 No 63): section 165

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