

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Amendments to principal Act. 3. <i>Fine for introducing intoxicating liquor into kainga or village.</i> 4. Reservation of fishing-grounds. 5. Village Committees. Repeal. 6. Council may define limits of kainga, &c. | <ol style="list-style-type: none"> 7. Tenure of office of existing Councils extended. 8. Registration of Maori dogs. Repeal. 9. Recommendations of General Conference. 10. Operation of by-laws on kauri-gum fields. 11. Trespassing on or desecrating burial-grounds, &c. 12. Mini-ter may defray costs of administration. |
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1903, No. 68.

Title. AN ACT to amend "The Maori Councils Act, 1900."
[23rd November, 1903.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Maori Councils Amendment Act, 1903"; and it shall form part of and be read together with "The Maori Councils Act, 1900" (hereinafter referred to as "the principal Act").

Amendments to principal Act.

2. The principal Act is hereby amended as follows, that is to say,—

(a.) As to section nine thereof: By adding to subsection six the following words: "or he may in his discretion remove any member of a Council, and any vacancy caused thereby shall be filled as provided by the last preceding subsection."

(b.) As to section ten thereof: By repealing the word "Board" in subsection seven, and substituting in lieu thereof the word "Council."

(c.) As to section sixteen thereof:—

(i.) By adding the following words at the end of subsection four: "and the introduction by Maoris or any other persons of alcoholic liquors into any Maori kainga, village, or pa."

(ii.) By adding the words "or in any Maori kainga, or on the roads or streets thereof," at the end of subsection eight.

(iii.) By adding, after the word "for" in subsection sixteen, the words "the construction of works for, and."

(iv.) By adding at the end of subsection nineteen the words "and to be paid by persons other than Maoris for non-compliance with or breach of any by-law made by the Council under subsections four, five, eleven, thirteen, fourteen, or fifteen of this section."

(v.) By adding thereto the following subsection:—

"(21.) For regulating traffic through streets or roads of Maori kaingas, villages, or pas."

(d.) As to section eighteen thereof: By adding, after the word "officer," the words "or Health Officer for the Maoris, or any Sanitary Inspector appointed for Maori districts by the Native Minister or by the Minister for Public Health."

(e.) As to section twenty-three thereof: By adding thereto the words "and subject to such regulations as the Governor may make for the guidance of the Council."

(f.) As to section twenty-five thereof: By adding after the word "Act," the following words: "and in any case in which any person other than a Maori refuses to pay any fine imposed or inflicted in pursuance of any by-law made under subsections four, five, eleven, thirteen, fourteen, or fifteen of section sixteen hereof:

"Provided that any person upon whom a fine has been imposed may have the case reheard by a Stipendiary Magistrate upon depositing with the Chairman of the Council or Village Committee that dealt with the case a sum not exceeding three pounds by way of costs of such rehearing."

3. (1.) In addition to any fine imposed by the Council for the breach of any by-law under section sixteen of the principal Act, every person, whether a Maori or not, who introduces or takes intoxicating liquor into a Maori kainga, village, or pa is liable on conviction before a Stipendiary Magistrate for a first offence to a fine not exceeding ten pounds, and for a second or any subsequent offence to a fine not exceeding twenty pounds, or for each offence to one month's imprisonment.

Fine for introducing
intoxicating liquor
into kainga or
village.

(2.) Nothing herein shall be deemed to forbid the introduction or taking of intoxicating liquor into any Maori kainga, village, or pa by any person in pursuance of a certificate given by a registered medical practitioner that such liquor is necessary for or beneficial to the health of such person, or of any other person within the kainga, village, or pa:

Provided that such person shall be liable to the penalties hereinbefore mentioned if he permits such liquor to be consumed by any person other than the person named in such certificate.

(3.) In any proceedings under this section it shall be no defence that no payment was received for such liquor by the person charged.

(4.) All liquor introduced or taken into any Maori kainga, village, or pa in breach of any such by-law shall be forfeited, and may, together with the vessels containing the same, be seized by the Chairman of the Council, or any person acting under his written authority, and dealt with as liquor forfeited under "The Licensing Act, 1881."

Reservation of
fishing-grounds.

4. (1.) For the purposes of subsection ten of section sixteen of the principal Act the Governor, on the recommendation of the Council, may at his discretion reserve any oyster, mussel, or pipi bed, or any fishing-ground, exclusively for the use of the Maoris of the locality, or of such Maori hapus or tribes as may be recommended :

Provided, that in making such reservation the Governor may take into consideration the requirements of the residents of the locality.

(2.) Notice of such reservation shall be published in the *Gazette* and *Kahiti*.

Village Committees.

5. (1.) The Council may appoint from among the Maoris of any Maori kainga, village, or pa a Committee of not less than three or more than five, who shall be called the Village Committee (Komiti Marae), or, if it thinks fit, may appoint a Committee for a group of two or more kaingas, villages, or pas, and with respect to every such Committee the following provisions shall apply :—

(a.) The Council may by resolution delegate to the Committee the power of carrying out or enforcing any or all of its by-laws within any kainga, village, or pa.

(b.) Subject to such delegation, the Committee may investigate all breaches of by-laws, impose the prescribed fines for such breaches, and demand and receive payment of the same, in the manner prescribed.

(c.) The amount of all fines received by the Committee, together with an account thereof, shall be remitted weekly to the Chairman of the Council.

(d.) Upon refusal by any person to pay any fine imposed by a Committee for breach of any by-law the Committee shall report such breach and the circumstances thereof, and all its proceedings in relation thereto, to the Chairman of the Council.

(e.) The Council or any three of its members (of whom the Chairman shall be one) may deal with such report in such manner as they think fit.

(f.) The Committee shall from time to time perform such duties as the Council may direct.

Repeal.

(2.) This section is in substitution for section seventeen of the principal Act, which section, and also subsection two of section two of "The Maori Councils Act Amendment Act, 1901," are hereby repealed.

Council may define
limits of kainga,
&c.

6. The Council, subject to the approval of the Governor, may from time to time define the limits and boundaries of a kainga, village, or pa by a notice posted in a conspicuous place within such kainga, village, or pa, a copy of which shall be filed in the office of the Council and shall be open to public inspection.

Tenure of office of
existing Councils
extended.

7. Notwithstanding anything in the principal Act, the elected members of all Councils in office on the passing of this Act shall, unless removed in accordance with law, continue to hold office until the thirty-first day of January, one thousand nine hundred and six :

Provided that members and Advisory Counsellors appointed by the Governor under the provisions of the principal Act, including members appointed to replace elected members, shall, unless re-

appointed, cease to hold office on the expiration of three years from the date of their last appointment, or on the said thirty-first day of January, one thousand nine hundred and six, if it first occurs.

8. (1.) In respect to registration of dogs owned by Maoris, the Council shall be, and shall have, as far as applicable, all the powers of "a local authority" within the meaning of "The Dog Registration Act, 1880"; and all registrations by or by the authority of the Council, and all payments of fees or fines hereunder into the Maori Councils Account, shall be deemed respectively to be registrations and payments into the District Fund within the meaning of that Act.

Registration of
Maori dogs.

(2.) From and after the first day of January, one thousand nine hundred and four, the Council shall have exclusive power to register dogs owned by Maoris, but any Council may enter into any arrangements it thinks fit with any European local authority for the registration of such dogs.

(3.) This section is in substitution for subsection seven of section sixteen of the principal Act, which subsection is hereby accordingly repealed.

Repeal.

9. In order to give effect to all or any of the recommendations of a General Conference of delegates held under section twenty-nine of the principal Act, regulations may from time to time be made by the Native Minister amending, varying, or revoking the existing by-laws of any Council, or making new by-laws, and such regulations, when approved by the Governor and published in the *Gazette* and *Kahiti*, shall come into operation in such districts as may be specified, and take effect as if such regulations were by-laws duly made by the Councils of such districts.

Recommendations
of General
Conference.

10. The by-laws of the Council of the district within which any kauri-gum field is situated, whether or not such gumfield is on Native, private, or Crown land, shall have full force and effect in all Maori settlements, whether temporary or permanent, on such gumfield, and the Council may, instead of appointing a Village Committee for such settlements, appoint an Inspector or Inspectors who shall, subject to the control of the Council, have and may exercise all the powers of a Village Committee, subject nevertheless to the provisions of section six hereof.

Operation of
by-laws on kauri-
gum fields.

11. Every person who knowingly and wantonly without due and lawful authority trespasses on or desecrates or interferes in any manner with any Maori grave, cemetery, burial-cave, or place of sepulture is liable on conviction to a fine not exceeding twenty-five pounds, or to three months' imprisonment, or to both fine and imprisonment:

Trespassing on or
desecrating burial-
grounds, &c.

Provided that jurisdiction in the case of such offences shall only be exercised by a Stipendiary Magistrate on information laid by the Chairman of a Maori Council.

12. Notwithstanding any provision in "The Maori Councils Act, 1900," to the contrary, the Minister may, out of any moneys available for Native purposes under the provisions of "The Civil List Act, 1863," or appropriated by Parliament for the purpose, defray the costs of administration for the first-mentioned Act.

Minister may defray
costs of
administration.