

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]

House of Representatives, 26 July 1961

Words struck out by the Maori Affairs Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 21 September 1961

Words inserted by the Committee of the Whole are shown in roman with a double rule in the margin.

Hon. Mr Hanan

MAORI SOCIAL AND ECONOMIC ADVANCEMENT AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Maori Social and Economic Advancement Act 1945

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

1. **Short Title**—This Act may be cited as the Maori Social and Economic Advancement Amendment Act 1961, and shall be read together with and deemed part of the Maori Social and Economic Advancement Act 1945 (hereinafter referred to as the principal Act).
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2. District Councils—The principal Act is hereby amended by repealing section 13, and substituting the following section:

“13. (1) Subject to the provisions of this Act, any four or more Tribal Executives the districts of which are wholly or partly within the same Maori Land Court district may at a meeting attended by at least one representative of each of the Tribal Executives, by resolution, decide that a District Maori Council of Tribal Executives (in this Act referred to as a District Council) shall be constituted in respect of that Maori Land Court district.

“(2) Where the district of a Tribal Executive is not wholly within one Maori Land Court district, the Tribal Executive shall, by resolution, determine the appropriate District Council of which it desires to become a member.

“(3) No Tribal Executive shall be entitled to take any part in the formation of or become a member of more than one District Council.

“(4) The Minister may, by notice in the *Gazette*, authorise any specified Tribal Executives constituted in respect of the tribal districts which include the City of Auckland and the areas surrounding that city to constitute a District Council to be known as the Auckland District Maori Council and, upon the publication of any such notice, the provisions of this section shall, as far as they are applicable, apply in all respects as if the districts of the specified Tribal Executives were within a Maori Land Court district:

“Provided that no such specified Tribal Executive shall take part in the formation of or be a member of any District Council other than the Auckland District Council.

“(5) Any resolution under subsection (1) of this section may be passed by a majority of the Tribal Executives represented at the meeting:

“Provided that each Tribal Executive shall have one vote only on the resolution irrespective of the number of its representatives attending the meeting.

“(6) Where a resolution under subsection (1) of this section is passed, the person acting as secretary of the meeting shall, by notice, inform the Minister of:

“(a) The date and place of the meeting at which the resolution was passed:

“(b) The name of the Maori Land Court district in respect of which the District Council is sought to be constituted:

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- “(c) The names of the Tribal Executives represented at the meeting:
- “(d) The names of the Tribal Executives voting in favour of the constitution of a District Council.
- 5 “(7) Upon receipt of a notice under subsection (6) of this section, the Minister may, by notice in the *Gazette*, declare—
- “(a) That he has approved of the formation of a District Council in respect of the Maori Land Court district referred to in the notice:
- 10 “(b) The name of the District Council:
- “(c) The names of the Tribal Executives which are members of the District Council (being those Tribal Executives represented at the meeting at which the resolution was passed and voting in favour of the constitution of a District Council).
- 15 “(8) When the formation of a District Council has been approved in accordance with subsection (7) of this section, the Secretary for Maori Affairs shall arrange for a meeting of the Council to be convened for the purposes of:
- 20 “(a) Electing a Chairman:
- “(b) Appointing a Secretary and such other officers as may be required.
- “(9) Upon the election of a Chairman the District Council shall be deemed to be constituted and shall be a body corporate with perpetual succession and a common seal.
- 25 “(10) Every Tribal Executive which is for the time being a member of a District Council shall be represented on the District Council by two representatives, being members of the Tribal Executive nominated by the Tribal Executive:
- 30 “Provided that if for the time being the number of members of a District Council is more than ten, every Tribal Executive shall be represented on the Council during that time by one representative only.
- “(11) No Welfare Officer, other than an honorary Welfare Officer, shall be (*competent*) eligible to represent a Tribal Executive on a District Council.
- 35 “(12) Any Tribal Executive the district of which is wholly or partly within a Maori Land Court district for which a District Council has been constituted may, by resolution, determine to become a member of that District Council, and, upon receiving notice of the resolution, the Minister shall, by notice in the *Gazette*, declare that the Tribal Executive is a member of the District Council:
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“Provided that no Tribal Executive shall be a member of more than one District Council.

“(13) The Minister on the recommendation of the (Dominion) New Zealand Council may, by notice in the *Gazette*, dissolve any District Council. 5

“(14) The representatives of a Tribal Executive on any District Council shall hold office for a term of three years, but shall be eligible for reappointment:

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“Provided that where any representative ceases to be a member of the Tribal Executive by which he was appointed, the Tribal Executive may, by resolution, appoint another representative in his stead.” 10

3. Functions of District Council—The principal Act is hereby amended by inserting, after section 13, as substituted by section 2 of this Act, the following section: 15

“13A. (1) The general functions of each District Council shall be to consider such questions in respect of such matters of common interest to the members of the Council as may be referred to it by any such member or as may appear to the Council to require consideration and to communicate, on behalf of its members, its recommendations and representations to the Minister. 20

“(2) Where matters considered by a District Council relate to or would affect other District Councils, any representations or recommendations made by the District Council shall be referred to the New Zealand Council as well as to the Minister. 25

“(3) Every District Council shall, in addition, have such general functions as are conferred on Tribal Executives by section 12 of this Act.” 30

4. Administration—The principal Act is hereby amended by inserting, after section 13A, as inserted by section 3 of this Act, the following section:

“13B. (1) No business shall be transacted at any meeting of a District Council unless at least half of the members are represented at the meeting by at least one representative from each of the members so represented. 35

“(2) *(If)* In case any representative of a Tribal Executive on a District Council is unable to attend a meeting of the Council, *(he)* the Tribal Executive may appoint as his proxy some other member of the Tribal Executive. *(and any such proxy shall, for the purposes of that meeting, be deemed to be a representative of the Tribal Executive.)* 40

“(3) All questions before a meeting of a District Council shall be decided by a majority of the votes of the Tribal Executives represented at the meeting:

5 “Provided that each such Tribal Executive shall have one vote only on any such question:

“Provided also that in the case of an equality of votes the Chairman shall have a casting vote as well as a deliberative vote.

10 “(4) Except as otherwise provided by this Act, the provisions of sections 9, 10, 22, 24, and 26 to 31 of this Act shall, with the necessary modifications, apply to District Councils to the same extent as they apply to Tribal Executives.

15 “(5) Subject to the provisions of this Act and of any regulation thereunder, each District Council may regulate its (proceedings) procedure in such manner as it thinks fit.”

5. Expenses of District Council—The principal Act is hereby amended by inserting, after section 13B, as inserted by section 4 of this Act, the following section:

20 “13c. Any District Council may from time to time, by resolution, determine the proportions in which its expenses (including its expenses in connection with the New Zealand Council) shall be borne by its members or by the Tribal Committees within the districts of its members, and each such Tribal Executive and Tribal Committee shall, within two
25 months after being required to do so, pay to the District Council any amount determined to be payable as aforesaid in respect of such period as may be specified in the requisition.”

6. Bylaws—The principal Act is hereby amended by inserting, after section 13c, as inserted by section 5 of this Act, the
30 following section:

“13d. (1) Any Tribal Executive may from time to time, by resolution, delegate to the District Council of which it is a member the power to make bylaws conferred on the Tribal Executive by section 34 of this Act and any bylaws made
35 pursuant to any such delegation shall have the same force and effect as if made by the Tribal Executive.

“(2) A District Council shall not, without the written consent of a Tribal Executive, alter or revoke a bylaw made by that Tribal Executive.”

7. New Zealand Council—The principal Act is hereby amended by inserting, after section 13d, as inserted by section 6 of this Act, the following section:

40 “13e. (1) There shall be a New Zealand Maori Council of Tribal Executives (in this Act referred to as the New Zealand
45 Council).”

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“(2) The members of the New Zealand Council shall be the District Councils for the time being constituted under this Act.

“(3) Every District Council shall be represented on the New Zealand Council by not more than three representatives nominated by the District Council who shall hold office for a term of three years but who shall be eligible for reappointment. 5

“(4) The Secretary for Maori Affairs shall, when he is satisfied that not less than four District Councils have been constituted under this Act, convene a meeting of the New Zealand Council for the purpose of: 10

“(a) Electing a President:

“(b) Appointing a Secretary and such other officers as may be required.”

8. Functions of New Zealand Council—The principal Act is hereby amended by inserting, after section 13E, as inserted by section 7 of this Act, the following section: 15

“13F. (1) The functions of the New Zealand Council shall be to advise and consult with District Councils, Tribal Executives, and Tribal Committees on such matters as may be referred to it by any of those bodies or as may seem to it necessary for the purpose of the social and economic advancement of the Maori race. In the exercise of its functions the New Zealand Council may make such representations to the Minister or any other person or authority as seem to it advantageous to the Maori race. 20 25

“(2) Without limiting the generality of the provisions of subsection (1) of this section, it is hereby declared that it shall be a function of the New Zealand Council to consider and, as far as possible, put into effect any measures that will conserve and promote harmonious and friendly relations between members of the Maori race and other members of the community.” 30

9. Administration of New Zealand Council—The principal Act is hereby amended by inserting, after section 13F, as inserted by section 8 of this Act, the following section: 35

“13G. (1) *(If In case any representative on the New Zealand Council is unable to attend a meeting of that Council, (he) the District Council may appoint as his proxy some other representative of the District Council which he represents. (and any such proxy shall, for the purposes of that meeting, be deemed to be a representative of the District Council.)* 40

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“(2) No business shall be transacted at any meeting of the New Zealand Council unless at least half of the members are represented at the meeting by at least one representative from each of the members so represented.

5 “(3) The President shall be chairman of any meeting of the New Zealand Council at which he is present. In the absence of the President from any meeting, the representatives present shall elect one of their number to be chairman at that meeting.

10 “(4) All questions before a meeting of the New Zealand Council shall be decided by a majority of the votes of the District Councils represented at the meeting:

“Provided that each such District Council shall have one vote only on any such question:

15 “Provided also that in the case of an equality of votes the chairman shall have a casting vote as well as a deliberative vote.

20 “(5) Except as otherwise provided by this Act, the provisions of sections 9, 10, 24, 27, and 28 of this Act shall, with the necessary modifications, apply to the New Zealand Council as they apply to Tribal Executives.

“(6) Except as otherwise provided by this Act or regulations under this Act, the New Zealand Council may regulate its procedure in such manner as it thinks fit.”

25 **10. Expenses of New Zealand Council**—The principal Act is hereby amended by inserting, after section 13G, as inserted by section 9 of this Act, the following section:

30 “13H. The New Zealand Council may from time to time, by resolution, determine the proportions in which its expenses shall be borne by the District Councils which are its members and each District Council shall, within two months after being required to do so, pay to the New Zealand Council any amount determined to be payable as aforesaid in respect of such period as may be specified in the requisition.”