

Hon. Mr. Mason

MAORI SOCIAL AND ECONOMIC ADVANCEMENT

ANALYSIS

Title.	
1. Short Title and commencement.	24. Subsidies.
2. Interpretation.	25. Moneys to be paid into bank.
<i>Administration</i>	26. Imprest Accounts for Committees.
3. Act to be administered by Native Minister.	27. Application of funds.
4. Welfare Officers.	28. Allowances to members of Tribal Executives and Committees.
5. General duties of Welfare Officers.	29. Books of Account.
<i>Tribal Executives</i>	30. Yearly balance-sheet and statements.
6. Tribal districts.	<i>General Provisions</i>
7. Tribal Executive Committees.	31. Mode of contracting.
8. Constitution of Tribal Executives.	32. Authentication of documents.
9. Meetings of Tribal Executives.	33. Powers as to water and sanitation.
10. Officers of Tribal Executives.	34. Maori fishing-grounds.
11. Maori Wardens.	35. Subject-matter of by-laws.
12. General functions of Tribal Executives.	36. General provisions as to by-laws.
<i>District Conference</i>	37. Procedure as to making by-laws.
13. District Conference.	38. Power to enter and inspect premises.
<i>Tribal Committees</i>	39. Penalty for breach of by-laws.
14. Tribal Committee areas.	40. Prevention of drunkenness.
15. Tribal Committees.	41. Maori may be ordered to leave hotel.
16. Members of Committee not personally liable.	42. Refusing to leave Maori buildings while under the influence of liquor.
17. Meetings of Tribal Committees.	43. Introducing liquor into Maori villages.
18. Officers of Tribal Committees.	44. Manufacture of liquor in Maori villages.
19. General functions of Tribal Committees.	45. Search for and seizure of liquor.
20. Delegation of powers to a Tribal Committee.	46. Obstruction of officers.
21. Maori villages.	47. Offences punishable summarily.
<i>Financial Provisions</i>	48. Imposition of penalties by Tribal Committees.
22. Tenement-tax.	49. Exemption from Court fees.
23. Local bodies and others may contribute to funds of a Tribal Executive or Committee.	50. Regulations.
	51. Repeals and savings.
	Schedule.

A BILL INTITULED

Title.	AN ACT to make Provision for the Social and Economic Advancement and the Promotion and Maintenance of the Health and General Well-being of the Maori Community.	5
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	
Short Title and commencement.	1. This Act may be cited as the Maori Social and Economic Advancement Act, 1945, and shall come into force on the <i>first</i> day of <i>April</i> , nineteen hundred and forty-six.	10
Interpretation.	2. In this Act, unless the context otherwise requires,—	
	“ Area ” or “ Tribal Committee area ” means a Tribal Committee area constituted under this Act:	15
	“ Committee ” or “ Tribal Committee ” means a Tribal Committee appointed under the provisions of this Act:	20
	“ District ” or “ tribal district ” means a tribal district constituted under this Act:	
	“ Intoxicating liquor ”, “ Licensed premises ”, “ Licensee ”, and “ Liquor ” have the same meanings as in the Licensing Act, 1908:	25
	“ Maori ” means a person belonging to the aboriginal race of New Zealand, and includes any person descended from a Maori:	
	“ Maori village ” means a kainga, village, or pa the boundaries of which have been defined by a Tribal Committee and which has been declared to be a Maori village for the purposes of this Act:	30
	“ Maori Warden ” means a person appointed as a Maori Warden under this Act:	35
	“ Minister ” means the Native Minister:	
	“ Welfare Officer ” means a person appointed as a Welfare Officer under this Act.	

See Reprint of Statutes, Vol. IV, p. 234

Administration

Act to be administered by Native Minister.	3. This Act shall be administered by the Native Minister, and the powers conferred by this Act shall be exercised under the general direction and control of the Minister.	40
--------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

4. (1) For the purposes of this Act, there shall, from time to time, be appointed as officers of the Public Service (whether as permanent or temporary officers) and as officers of the Native Department, a ~~Chief Welfare Officer Controller~~ and such other Welfare Officers as may be necessary.

Welfare Officers.

Struck out

(2) The persons who on the commencement of this Act hold office as Chief Welfare Officer and Welfare Officers in the Native Department shall be deemed to have been appointed under this Act.

10

5. (1) It shall be the duty of the ~~Chief Welfare Officer Controller~~ to advise and assist the Tribal Executives and the Tribal Committees in the discharge of their functions under this Act, and to superintend and co-ordinate the operations of such Tribal Executives and Tribal Committees.

15

General duties of Controller and Welfare Officers.

(2) In addition to the duties elsewhere imposed upon them by this Act, the Welfare Officers shall, in respect of the Tribal Executives or Tribal Committees of which they are members, exercise such powers as may be delegated to them by the ~~Chief Welfare Officer Controller~~.

20

Tribal Executives

6. (1) The Governor-General may from time to time by Proclamation declare any part or parts of New Zealand to be a tribal district for the purposes of this Act, and may assign a name by which the tribal district shall be described and known.

25

Tribal districts.

(2) The Governor-General may from time to time in like manner vary or revoke any such Proclamation.

30

7. (1) In every tribal district there shall be a Tribal Executive Committee (hereinafter referred to as a Tribal Executive) which shall be a body corporate, with perpetual succession and a common seal.

35

Tribal Executive Committees.

(2) Every such Tribal Executive shall be known as "The (*stating the name*) Tribal Executive".

40

8. (1) Every Tribal Executive shall consist of—

Constitution of Tribal Executives.

(a) Two representatives of each Tribal Committee (as hereinafter constituted under this Act) within the tribal district, who shall be appointed by the Minister upon the recommendation of the Tribal Committees of which they are members (hereinafter referred to as elected members):

45

(b) A Welfare Officer who shall be appointed as a member by the Minister.

(2) Notwithstanding the provisions of the *last preceding* subsection, the Minister may, in making the first appointment of members to a Tribal Executive, ~~dis-~~ 5
~~pense with the recommendation of the Tribal Com-~~
~~mittees and~~ may appoint such persons as he thinks fit ~~to be the members of the Tribal Executive;~~ and the members so appointed shall hold office in the same manner as if they had been appointed on the recom- 10
mendation of the Tribal Committees.

(3) Subject to the provisions hereinafter contained, every elected member shall hold office for a term of two years, and shall be eligible for reappointment.

(4) Any elected member may at any time resign his 15
office by notice in writing to the Chairman of the Tribal Executive, and any elected member may be removed from office for any cause by the Minister on the application of the Tribal Committee by whom he was recommended for appointment: 20

New

Provided that such elected member shall be given an opportunity to show cause to the Minister why he should not be so removed.

(5) Any vacancy in the membership of a Tribal 25
Executive shall be filled in the manner in which the appointment of the member whose office has become vacant was made, and a new member appointed shall hold office for the unexpired term of his predecessor, and shall be eligible for reappointment. 30

(6) The powers of a Tribal Executive shall not be affected by any vacancy in the membership thereof, or because of any person continuing to act as a member of the Tribal Executive after he has ceased to be a member, or because of any defect or illegality in the 35
appointment of any member.

Meetings of
Tribal
Executives.

9. (1) Each Tribal Executive shall meet at such times and in such places as the Tribal Executive or the Chairman thereof may appoint or as the Minister may direct. 40

(2) At its first meeting, and at least once in every two years thereafter the Tribal Executive shall elect one of its members to be Chairman of the Tribal Executive.

(3) The Chairman shall preside at all meetings of the Tribal Executive at which he is present, and in the absence of the Chairman from any meeting the members present thereat may elect one of their number to
5 be the chairman of that meeting.

(4) No business shall be transacted at any meeting unless a quorum of not less than half the total number of the members is present.

(5) All questions coming before the Tribal Execu-
10 tive shall be decided by a majority of the votes of the members present at the meeting, and in the case of an equality of votes the Chairman shall have a second or casting vote.

(6) All proceedings, decisions, and resolutions of
15 the Tribal Executive shall be recorded in a minute-book kept for the purpose.

(7) Subject to the provisions of this Act and of any regulations made thereunder, a Tribal Executive may regulate its own procedure.

20 **10.** (1) A Tribal Executive may from time to time, subject to the approval of the Minister, appoint some fit and proper person, who may be a member of the Tribal Executive, to act as Secretary of the Tribal Executive, and, with the like approval, may at any time
25 remove the Secretary from office.

Officers of
Tribal
Executives.

(2) The Secretary shall have all such powers and duties as the Tribal Executive from time to time determines and he shall at all times conform to the directions of the Tribal Executive.

30 (3) The Tribal Executive may from time to time appoint such other officers and workmen as it may think necessary or expedient and may from time to time dismiss such officers and workmen.

(4) Officers and workmen appointed pursuant to the
35 *last preceding* subsection shall be paid such salaries, wages, or allowances out of the funds of the Tribal Executive as the Tribal Executive may determine.

(5) The Secretary of the Tribal Executive shall be paid such salary or allowances out of the funds of the
40 Tribal Executive as may, with the approval of the Minister, be fixed by the Tribal Executive.

11. (1) For the purposes of this Act the Minister
may from time to time appoint as Maori Wardens for
the whole or any part of a tribal district one or more

Maori Wardens.

persons who shall be Maoris and who may exercise such powers and authorities and carry out such duties as are conferred on them under this Act.

(2) The Minister may at any time remove any Maori Warden from office. 5

(3) The Tribal Executive may in its discretion pay out of its funds to any Maori Warden appointed for the whole or any part of its district such remuneration or allowances for his services as the Tribal Executive, with the approval of the Minister, may determine. 10

General functions
of Tribal
Executives.

12. The general functions of a Tribal Executive shall be, in relation to the Maoris within its district—

(a) To promote, encourage, guide, and assist members of the Maori race,—

(i) To conserve, improve, advance, and maintain their physical, economic, industrial, educational, social, moral, and spiritual well-being; 15

(ii) To assume and maintain self-dependence, thrift, pride of race, and such conduct as will be conducive to their general health and economic well-being; 20

(iii) To accept and maintain the full rights, privileges, and responsibilities of citizenship; 25

(iv) To apply and maintain the maximum possible efficiency and responsibility in their local self-government and undertakings; and

(v) To preserve, revive, and maintain the teaching of Maori arts, crafts, language, genealogy, and history in order to perpetuate Maori culture: 30

(b) To collaborate with and assist *the Rehabilitation Board, the National Employment Service, and other State Departments and other organizations in the rehabilitation of Maori discharged servicemen and the placement of Maoris in industry and other forms of employment:* 35

New

(bb) To collaborate with and assist the Education Department and any educational institutions in the vocational guidance and training of Maori children: 40

- 5 (c) To co-operate with and assist all State Departments, local bodies, associations, institutions, clubs, trustees of Native reservations, incorporated or unincorporated bodies, or any person or persons in connection with any matter or question arising out of or pertaining to the well-being of the Maori race or any member thereof:
- 10 (d) To inquire into, recommend, and report to the Minister on any matter or question referred to it by the Minister which may affect or be likely to affect the well-being of the Maori race or any member thereof:
- 15 (e) To undertake the administration of any works or duties which may be delegated to it by the Minister:
- (f) To make such recommendations to the Minister on any matter affecting the well-being of the Maori race as it shall deem fit:
- 20 (g) Subject to the powers of the Minister, to control, advise, and direct the activities and functions of the Tribal Committees within its district, to receive reports and recommendations from the Tribal Committees within its district and to make such recommendations to the Minister in connection therewith as it shall deem fit.
- 25

District Conference

- 30 13. (1) Where it appears to the Minister that any matter or question affecting or relating to the well-being of any tribe or allied tribes, or affecting or relating to the exercise of the powers and authorities conferred by this Act ought to be the subject of consideration or review by two or more Tribal Executives, he may
- 35 require such Tribal Executives to appoint one or more delegates to meet in conference at such place and upon such date as the Minister may appoint for the purpose.
- (2) Each Tribal Executive shall thereupon select the requisite number of delegates from amongst its
- 40 members, and the persons so selected shall meet at the place and upon the date appointed as aforesaid.
- (3) At any conference called in accordance with this section, the delegates shall elect one of their number to be the President of the conference.
- District Conference.

*Tribal Committees*Tribal
Committee
areas.

14. (1) The Minister may from time to time by notice published in the *Gazette*, declare any part or parts of a tribal district to be a Tribal Committee area for the purposes of this Act, and may assign a name by which the Tribal Committee area shall be described and known. 5

(2) The Minister may from time to time in like manner vary or revoke any such notice.

Tribal
Committees.

15. (1) In every Tribal Committee area there shall 10 be a Tribal Committee which shall consist of—

(a) Not less than five and not more than eleven persons (hereinafter referred to as elected members) who shall be representative of the tribes or tribal groups within the Tribal Committee area and who shall be elected every two years at a general meeting of the Maori residents within such area held for the purpose: 15

(b) A Welfare Officer who shall be appointed as a 20 member by the Minister.

(2) Subject to the provisions hereinafter contained, each elected member shall hold office for a term of two years and shall be eligible for reappointment.

(3) Any elected member of a Tribal Committee may 25 at any time resign his office by notice in writing to the Committee, and any elected member may be removed from office for any cause by the Tribal Executive.

(4) Any vacancy in the membership of a Committee may, with the prior consent of the Minister, be filled 30 by the Committee, and any person appointed to fill a casual vacancy shall hold office for the unexpired term of his predecessor, and shall be eligible for reappointment.

(5) The powers of a Committee shall not be affected 35 by any vacancy in the membership thereof, or because of any person continuing to act as a member after he has ceased to be a member, or because of any defect or illegality in the appointment of any member.

Members of
Committee not
personally liable.

16. No member of a Committee shall be personally 40 liable for any act done or omitted by the Committee or by any member thereof in good faith in pursuance or in intended pursuance of the powers and authority of the Committee.

17. (1) Each Committee shall meet at such times and in such places as the Committee or the Chairman thereof may appoint or as the Tribal Executive of the district may direct. Meetings of Tribal Committees.
- 5 (2) At the first meeting after the appointment of the Committee, and at least once in every two years thereafter, the Committee shall elect one of its members to be Chairman of the Committee.
- 10 (3) The Chairman shall preside at all meetings of the Committee at which he is present, and in the absence of the Chairman from any meeting the members present thereat may elect one of their number to be the chairman of that meeting.
- 15 (4) No business shall be transacted at any meeting unless a quorum is present thereat. A quorum shall consist of not less than half the total number of the members of the Committee.
- 20 (5) All questions coming before the Committee shall be decided by a majority of the votes of the members present at the meeting, and in the case of an equality of votes the Chairman shall have a second or casting vote.
- 25 (6) All proceedings, decisions, and resolutions of the Committee shall be recorded in a minute-book kept for the purpose.
- (7) Subject to the provisions of this Act and of any regulations made thereunder, a Committee may regulate its own procedure.
- 30 18. (1) A Committee may from time to time, subject to the approval of the Tribal Executive, appoint some fit and proper person, who may be a member of the Committee, to act as Secretary of the Committee, and, with the like approval, may at any time remove the Secretary from office. Officers of Tribal Committees.
- 35 (2) The Secretary shall have all such powers and duties as the Committee from time to time determines and he shall at all times conform to the directions of the Committee.
- 40 (3) The Committee may from time to time appoint such other officers and workmen as it may think necessary or expedient and may from time to time dismiss such officers and workmen.

(4) The Secretary of the Committee and the officers and workmen appointed pursuant to the *last preceding* subsection shall be paid such salaries, wages, or allowances out of the funds of the Tribal Committee as the Committee may determine. 5

General functions of Tribal Committees.

19. (1) A Tribal Committee shall have the same general functions as a Tribal Executive appointed under this Act, save so far as those functions are functions which can be performed by a Tribal Executive only. 10

(2) Every Committee shall be subject in all things to the control of the Tribal Executive of the district and shall act in accordance with all directions, general or special, given to it by the Tribal Executive.

Delegation of powers to a Tribal Committee.

20. (1) A Tribal Executive may from time to time, 15 by resolution, delegate to any Committee any of its powers under this Act, and the Committee may, subject to the control of the Tribal Executive and the provisions of this Act, exercise within or in respect of the Tribal Committee area in respect of which the Com- 20 mittee has been appointed any powers so delegated:

Provided that the power to make by-laws conferred by this Act on a Tribal Executive may not be delegated to a Committee.

(2) Any delegation by a Tribal Executive to a 25 Committee as aforesaid may be at any time varied or revoked by a resolution of the Tribal Executive.

(3) All things done by a Committee pursuant to a delegation under this section shall be as valid and effectual as if they had been done by the Tribal 30 Executive.

(4) The fact that a Committee purports to act pursuant to a delegation under this section shall, until the contrary is proved, be sufficient evidence that there has been a delegation pursuant to this section. 35

Maori villages.

21. (1) A Tribal Committee may, from time to time, define the boundaries of any kainga, village, or pa situated within the Tribal Committee area, and declare the kainga, village, or pa to be a Maori village for the purposes of this Act. 40

(2) The Committee shall assign a name by which the Maori village shall be described and known for the purposes of this Act.

(3) Any such definition or declaration may at any time be varied or revoked.

(4) Where the boundaries of any Maori village have been defined by the Tribal Committee in accordance with the provisions of this section, the Tribal Committee shall, for the purposes of record, cause to be forwarded to the Registrar of the Native Land Court for the Native Land Court district in which the Maori village is situated a description of the boundaries of the Maori village, together with a notification of the name assigned by the Committee to the Maori village and a sketch plan upon which the boundaries of the Maori village as so defined are delineated.

Financial Provisions

Struck out

15

22. (1) Notwithstanding anything to the contrary in any enactment or rule of law, a Committee may, with the consent of the Minister, by resolution impose a tenement-tax on dwellings, buildings, or lands, or on any kinds or classes of dwellings, buildings, or lands, in any Maori village, and such tenement-tax shall be recoverable by the Committee in any Court of competent jurisdiction as a debt due to the Committee by the occupier of the premises or, if there is no occupier, by the owner of the premises.

Tenement-tax.

20

25

(2) The Minister may refuse any application for his consent under this section or may grant the application either unconditionally or upon or subject to such conditions as he thinks fit.

30

(3) Any tenement-tax imposed under this section may differ as to different kinds or classes of dwellings, buildings, or lands.

35

23. Any local authority or other public body, corporation sole, company, or other corporate body, Maori Land Board, trustee or trustees (including the Native Trustee and the East Coast Commissioner), or any other person may, unless expressly prohibited by any Act or by any instrument of trust, make to a Tribal Executive or Tribal Committee donations or gifts of money for the purpose of augmenting the funds of the Tribal Executive or Tribal Committee.

Local bodies and others may contribute to funds of a Tribal Executive or Committee.

40

24. The revenue of a Tribal Executive may, with the approval of the Minister, be subsidized at a rate not exceeding one pound for one pound out of moneys appropriated by Parliament for the purpose.

Subsidies.

45

Moneys to be paid into bank.

25. (1) All ~~tenement taxes, fines, fees, and other~~ moneys received by a Tribal Executive or Tribal Committee shall, as and when received, be paid into a bank to the credit of the Tribal Executive or Tribal Committee, as the case may be. 5

(2) Subject to the provisions of the *next succeeding* section, no moneys shall be withdrawn from the bank except by authority of the Tribal Executive or Tribal Committee, as the case may be, and by cheque signed by two members thereof or by one member and the Secretary thereof: 10

Provided that the Minister if he thinks fit may in any case require that all cheques shall be countersigned by a person from time to time nominated by him. 15

(3) Notwithstanding the foregoing provisions of this section, moneys may be deposited to the credit of a Tribal Executive or Tribal Committee in the Post Office Savings-bank: 15

Provided that no Tribal Executive or Tribal Committee shall open a savings-bank account without the prior consent in writing of the Minister, who may from time to time nominate the persons by whom the account shall be operated on. 20

Imprest Accounts for Committees.

26. (1) Any Tribal Executive may, pursuant to a resolution in that behalf, establish an Imprest Account in respect of any Tribal Committee in its district. 25

See Reprint of Statutes, Vol. I, p. 447

(2) The Imprest Account shall, as the Tribal Executive may determine, be kept in the Post Office Savings-bank or in any bank within the meaning of the Banking Act, 1908. 30

(3) The Imprest Account may be held jointly in the names of and be operated on by the Chairman of the Tribal Committee in respect of which the Imprest Account is established and one other person to be appointed in that behalf by the Tribal Executive, or may, with the express approval in writing of the Minister but not otherwise, be in the sole name of and operated on by the Chairman aforesaid. Where the Imprest Account is held jointly in the names of the Chairman of a Tribal Committee and one other person as aforesaid, such last-mentioned person shall be either a member or the Secretary of that Committee. 35 40

(4) The Tribal Executive shall from time to time by resolution fix the maximum amount that may be held at any time in an Imprest Account, not exceeding seventy-five pounds in any case.

5 (5) Moneys in an Imprest Account established in respect of any Tribal Committee shall be available only for the payment of expenditure incurred by the Tribal Committee in the exercise of any functions or powers conferred on it by or pursuant to this Act. A statement
10 of all payments made from the Imprest Account shall be submitted to the Tribal Executive for approval at its first ordinary meeting thereafter. The payment of moneys out of the Imprest Account for any unauthorized purpose shall be deemed to be a misappropriation of
15 the funds of the Tribal Executive.

27. The funds of a Tribal Executive or Tribal Committee may be applied by it for the physical, economic, educational, social, and moral benefit and advancement in life of Maoris within its district or area, either
20 generally or specially, and for such other purposes as are contemplated by this Act or as the Minister may from time to time in writing authorize or approve, but not otherwise.

Application of funds.

28. Any Tribal Executive or Tribal Committee may
25 pay to its members such travelling expenses and allowances in respect of attending the meetings or travelling on the business of the Tribal Executive or the Committee, as the case may be, as may be prescribed by regulations under this Act or, if there are no regulations
30 prescribing such expenses and allowances, as may be fixed by the Tribal Executive or Tribal Committee and approved by the Minister.

Allowances to members of Tribal Executives and Committees.

29. (1) Every Tribal Executive or Tribal Committee shall cause books to be provided and kept, and true and
35 regular accounts to be entered therein of all moneys received and paid, and of the several purposes for which such moneys have been received and paid.

Books of Account.

(2) Any member of the Tribal Executive or Tribal Committee may at all reasonable times inspect the books
40 and take copies of or extracts from the same free of charge.

Yearly
balance-sheet
and
statements.

(3) The books and accounts shall be kept in such manner as may be prescribed by the Minister.

30. (1) On or before the fifteenth day of April in each year the Secretary of each Tribal Executive or Tribal Committee shall prepare a yearly balance-sheet, being an abstract of all the financial transactions of the Tribal Executive or Tribal Committee during the preceding financial year ended the thirty-first day of March then last past, together with a statement of the whole assets and liabilities of the Tribal Executive or Tribal Committee at the end of that year.

(2) Such yearly balance-sheet and statement shall be audited by an auditor appointed by the Tribal Executive or Tribal Committee and approved by the Minister.

(3) A copy of the yearly balance-sheet and statement shall, when duly audited, be submitted to the Minister accompanied by a report as to the operations of the Tribal Executive or Tribal Committee.

General Provisions

Mode of
contracting.

31. (1) Any contract which, if made between private persons, must be by deed shall, if made by a Tribal Executive, be in writing under the seal of the Tribal Executive.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by a Tribal Executive, be either under the seal of the Tribal Executive or signed by two members of the Tribal Executive on behalf of and by direction of the Tribal Executive.

(3) Any contract which, if made between private persons, may be made orally without writing may be similarly made by or on behalf of a Tribal Executive by any member of the Tribal Executive, but no oral contract shall be made involving the payment by the Tribal Executive of a sum exceeding twenty pounds.

(4) Notwithstanding anything to the contrary in the foregoing provisions of this section, no contract made by or on behalf of a Tribal Executive 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 Tribal Executive or to give effect to a resolution of the Tribal Executive.

(5) The provisions of this section shall, so far as they are applicable and with the necessary modifications, extend and apply to contracts made by or on behalf of a Tribal Committee.

5 **32.** (1) All instruments or documents issued or authorized by a Tribal Executive or Tribal Committee shall, except as may be otherwise specially provided by this Act or by any regulations thereunder, be signed on behalf of the Tribal Executive or Tribal Committee by
10 at least two members of the Tribal Executive or Tribal Committee on behalf of and by direction of the Tribal Executive or Tribal Committee and, in the case of a Tribal Executive, shall be sealed with the seal of the Tribal Executive in their presence.

Authentication of documents.

15 (2) Every instrument or document purporting to have been executed in accordance with the provisions of this section shall, in the absence of proof to the contrary, be deemed for all purposes to have been duly executed.

20 **33.** (1) A Tribal Executive may within any part of its district establish, install, carry out, and administer any scheme of works having for its object the supply of water or the provision of sanitation for Maoris, and, if the Tribal Executive thinks fit, for such other persons
25 as can be conveniently supplied or provided for under the scheme.

Powers as to water and sanitation.

30 (2) The Native Land Court, on application made by the Tribal Executive, may by order create easements for the purpose of any such scheme as aforesaid over Native freehold land, within the meaning of the Native Land Act, 1931, or (with the consent of the parties interested) over European land:

35 Provided that in the case of any European land which is owned or held by Maoris or by Maoris and others, the Court may make an order under this subsection without obtaining the consent of the Maoris.

40 (3) Every easement created under the *last preceding* subsection shall be subject to such conditions as the Court may impose, including the payment of any compensation it may award in respect of the grant of such easement.

- (4) A Tribal Executive may from time to time make by-laws for any of the following purposes:—
- (a) Prescribing the conditions of the use or supply of any service under any water-supply or sanitation system installed or established in the district: 5
 - (b) Prescribing charges in relation to the supply of water or the provision of sanitation for any Maoris, whether on the users of the water or sanitation facilities, or on the owners or occupiers of premises in respect of which the facilities are used or available for use, or on families or individuals resident in any area in which the facilities are used or available; and prescribing to whom the charges are payable: 10 15
 - (c) Prescribing charges in relation to the supply of water or the provision of sanitation under any water-supply or sanitation system as aforesaid for persons other than Maoris:
 - (d) The prevention of damage to, or interference with, any works undertaken for the supply of water or for the provision of sanitation: 20
 - (e) The prevention of contamination of any water-supply:
 - (f) Generally for the more effectual carrying out of the objects of this section. 25

Maori fishing-grounds.

See Reprint of Statutes, Vol. III, p. 344

34. (1) The Governor-General may, on the recommendation of the Minister of Marine and subject to such conditions (whether as to compliance with all or any of the provisions of the Fisheries Act, 1908, or otherwise) as he thinks fit, by Order in Council, reserve any pipi-ground, mussel-bed, *other shell-fish area*, or fishing-ground or *any edible seaweed area* for the exclusive use of Maoris or of any tribe or section of a tribe of Maoris. 30 35

(2) The Governor-General may by the same or any subsequent Order in Council vest in any Tribal Executive or Tribal Committee the control of any pipi-ground, mussel-bed, or fishing-ground, or *other area as aforesaid* so reserved for the exclusive use of Maoris. 40

(3) The Tribal Executive or Tribal Committee in which is vested the control of any pipi-ground, mussel-bed, or fishing-ground, or *other area as aforesaid* may take such steps as may appear to it to be necessary or desirable for the protection of the shell-fish or other fish and to prevent their extermination, and for the protection of the edible seaweed. 45

(4) Any Tribal Executive may make such by-laws as it thinks fit for the control, regulation, and management of pipi-grounds, mussel-beds, and fishing-grounds, and other areas as aforesaid the control whereof is vested in it or in any Tribal Committee appointed in respect of any area within its district.

(5) Any Order in Council made under the foregoing provisions of this section may be varied or revoked by a subsequent Order in Council.

(6) Any person who acts in contravention of or fails to comply with any conditions imposed by an Order in Council made under this section commits an offence and shall be liable to a fine not exceeding twenty pounds.

(7) Notwithstanding anything to the contrary in section ten of the Fisheries Amendment Act, 1923, the control of an oyster-fishery defined under that section may be vested in a Tribal Executive or Tribal Committee.

See Reprint of Statutes, Vol. III, p. 387

35. A Tribal Executive may from time to time make in relation to its district such by-laws as it thinks fit for all or any of the following purposes:—

Subject-matter of by-laws.

(a) For providing for the health and personal convenience and comfort of Maoris in the district:

(b) For ensuring the cleansing of dwellings and other buildings in any Maori village and for ensuring that dwellings and other buildings in any Maori village conform to the requirements of good health:

(c) For preventing and abating nuisances in any Maori village:

(d) For the prevention of trespass by cattle, horses, sheep, goats, pigs, or other animals in any Maori village or on the roads or streets thereof:

(e) For the protection of Maori meeting-houses (including buildings usually used in connection therewith), and, where there are no trustees appointed in connection therewith, for the regulation and control thereof and the imposition and collection of fees for the holding of any entertainment therein:

- (f) For the protection of recreation-grounds set apart for the common use of Maoris (including any buildings thereon), and, where there are no trustees appointed in connection therewith, for the regulation and control thereof and the regulation of athletic and other gatherings thereon and the imposition and collection of fees for the holding of any athletic or other gathering: 5
- (g) For the regulation and licensing of billiard-rooms in any Maori village and the imposition and collection of license fees in connection therewith: 10
- (h) For the prevention of gambling in any Maori village: 15
- (i) For regulating the sale of goods in any Maori village, the licensing of storekeepers, hawkers, and itinerant traders, and the imposition and collection of license fees on and from such persons: 20
- (j) For the regulation and control of Maori meetings and huis held in any Maori village, and for the appointment of officers for the purpose of regulating traffic and preventing and quelling disturbances at any such meetings and huis and defining the powers of such officers: 25
- (k) For regulating traffic generally on the streets and roads of Maori villages:
- (l) For the protection of Maori burial-grounds (not being cemeteries within the meaning of the Cemeteries Act, 1908) and the prevention of the desecration thereof or of trespass thereon, and, where there are no trustees appointed in connection therewith, for the regulation and control thereof. 35

See Reprint of Statutes, Vol. I, p. 731

General provisions as to by-laws.

36. With respect to by-laws under this Act the following provisions shall apply:—

- (a) A by-law shall not be deemed invalid merely because it deals with a subject dealt with by the general law: 40
- (b) A by-law shall not be deemed invalid merely because it delegates to or confers on a Tribal Committee or any person or body any discretionary authority: 45
- (c) A by-law may apply to part only of a district:

(d) A by-law shall not be valid if it conflicts with the provisions of any Act or regulations dealing with the same subject-matter or if it conflicts with any rule of law.

5 **37.** (1) By-laws shall be made by Tribal Executives in the manner and subject to the conditions following, namely:—

Procedure as to making by-laws.

- 10 (a) They shall be made by a resolution of the Tribal Executive:
- (b) They shall have the seal of the Tribal Executive affixed thereto:
- (c) They shall be submitted to the Governor-General for his approval:
- 15 (d) They shall not come into force until they have been approved by the Governor-General and published in the *Gazette*.

(2) Any by-law may in like manner be altered or revoked.

20 **38.** For the purposes of any by-laws made under this Act, any person authorized in writing by the Tribal Executive so to do may at all reasonable times enter and inspect any dwellinghouse, building, or place which is in any Maori village or in any Maori pa or settlement.

Power to enter and inspect premises.

25 **39.** (1) By-laws made under this Act may prescribe penalties not exceeding *twenty* pounds for the breach of any of the by-laws.

Penalty for breach of by-laws.

30 (2) Every Maori who is guilty of a breach of any by-law made under paragraph (a) of section *thirty-five* of this Act shall be liable to such penalty as is prescribed by the by-laws or, if no such penalty is prescribed, shall be liable to a penalty not exceeding *twenty* pounds.

35 (3) Every person, whether a Maori or not, who is guilty of a breach of any other by-law made under this Act shall be liable to such penalty as is prescribed by the by-laws or, if no such penalty is prescribed, shall be liable to a penalty not exceeding *twenty* pounds.

40 (4) Except as provided in the *last two preceding* subsections, no person shall be liable to a penalty for the breach of any by-law made under this Act.

45 **40.** A Maori Warden may at any reasonable time enter any licensed premises situated in or within two miles of any Maori village and warn the licensee or any servant of the licensee to abstain from selling or supplying liquor to any Maori who in the opinion of

Prevention of drunkenness.

the Warden is in a state of intoxication, or is violent, quarrelsome, or disorderly, or is likely to become so, whether intoxicated or not, and if the licensee or any servant of the licensee thereafter on the same day supplies liquor to the Maori, the licensee, and, if the servant had been warned by the Warden, the servant, shall be liable to a fine not exceeding *twenty* pounds. 5

Maori may be ordered to leave hotel.

41. (1) A Maori Warden may at any reasonable time enter any licensed premises situated as aforesaid and order any Maori who in the opinion of the Warden is intoxicated or partly intoxicated, or is violent, quarrelsome, or disorderly, whether intoxicated or not, to leave the premises. 10

(2) If the Maori refuses or fails to leave the premises, the Warden may request any constable to expel the Maori from the premises, and the constable may, with the assistance of the Warden, expel the Maori from the premises. 15

(3) Any Maori who refuses or fails to leave any licensed premises when ordered by a Warden so to do pursuant to subsection *one* of this section commits an offence and shall be liable to a fine not exceeding *five* pounds. 20

Refusing to leave Maori buildings while under the influence of liquor.

42. Any person, whether a Maori or not, who, while under the influence of intoxicating liquor, is in any Maori meeting-house or church, or other building or meeting-place where Maoris are assembled and refuses to leave the same when requested so to do, commits an offence and shall be liable to a fine not exceeding *five* pounds. 25

Introducing liquor into Maori villages.

43. (1) Any person, whether a Maori or not, who takes or introduces intoxicating liquor into any Maori village commits an offence and shall be liable to a fine not exceeding *twenty-five* pounds or to imprisonment for a term not exceeding *one* month. 30

(2) Nothing in this section shall apply to prohibit the taking or introduction of liquor into a Maori village in any case where—

(a) The liquor is *bona fide* required for medicinal purposes on the authority of a registered medical practitioner: 40

(b) The liquor is required for religious purposes.

Manufacture of liquor in Maori villages.

44. Any person, whether a Maori or not, who, in any Maori village, manufactures any intoxicating liquor commits an offence and shall be liable to a fine not exceeding *twenty-five* pounds or to imprisonment for a term not exceeding *one* month. 45

45. (1) Any Justice, if satisfied by information on oath that there is reasonable ground to believe that there is any intoxicating liquor at any place, whether a building or not, in a Maori village and that the liquor has been taken or introduced into the village, or manufactured, in contravention of the provisions of this Act, may, in his discretion, grant a warrant under his hand by virtue whereof it shall be lawful for any constable named in the warrant, at any time or times within one month from the date thereof, to enter, and, if need be, by force, the place named in the warrant, and every part thereof, and examine the same, and search for liquor therein, and seize and remove any liquor found therein which there is reasonable ground to suppose has been taken or introduced into the village, or manufactured, in contravention of the provisions of this Act, and the vessels containing such liquor.

Search for and seizure of liquor.

(2) In the event of the owner or occupier of the place where the liquor was seized or any person appearing to be an owner or to have been in possession of the liquor being convicted of an offence under section *forty-three* or section *forty-four* of this Act or under the Licensing Act, 1908, the Court, unless on any special grounds it thinks it inadvisable so to do, shall make an order declaring that the liquor or vessels are forfeited to His Majesty, and upon the making of the order of forfeiture the provisions of section one hundred and forty-three of the Licensing Act, 1908, shall apply.

See Reprint of Statutes, Vol. IV, p. 234

46. Every person, whether a Maori or not, who obstructs, hinders, impedes, resists, or opposes any constable, Maori Warden, or other person who is exercising or attempting to exercise any powers conferred on him by or pursuant to this Act shall be liable to a fine not exceeding *twenty-five* pounds or to imprisonment for a term not exceeding *one* month.

Obstruction of officers.

47. (1) Except as provided in the *next succeeding* section all proceedings in respect of offences against this Act or against any by-laws or regulations made under this Act shall be taken in a summary manner under the Justices of the Peace Act, 1927, and shall be heard before a Stipendiary Magistrate or two Justices:

Offences punishable summarily.

Ibid., Vol. II, p. 351

Provided that no such proceedings shall be taken against any person in respect of any offence for which he has had a penalty imposed on him under the *next succeeding* section.

Struck out

See Reprint of Statutes, Vol. II, p. 346

(2) Subject to the provisions of section thirteen of the Finance Act, 1927 (No. 2), all fines recovered in any such summary proceedings shall be paid into the Public Account to the credit of the Consolidated Fund. Tribal Executives shall be deemed to be public bodies for the purposes of the said section thirteen, and any proceedings conducted by or on behalf of a Tribal Committee shall for the purposes of that section be deemed to have been conducted by or on behalf of the Tribal Executive of the district.

Imposition of penalties by Tribal Committees.

48. (1) Subject to any direction to the contrary by the Tribal Executive for the district, it shall be the duty of each Tribal Committee to investigate all breaches of any by-laws under this Act committed in the Maori village or villages in the Tribal Committee area.

(2) If a Committee is satisfied that any such breach as aforesaid has been committed, it may authorize proceedings to be taken in a summary manner under the Justices of the Peace Act, 1927, in respect of the offence or it may, in its discretion, impose on the offender a penalty in respect thereof of such amount as it thinks fit, not exceeding the maximum penalty prescribed by or under this Act or a sum of *five* pounds, whichever is the less. The amount of any penalty so imposed by a Tribal Committee shall be paid by the offender to the Tribal Executive, and shall be paid by the Tribal Executive into the Public Account to the credit of the Consolidated Fund.

(3) No person shall have a penalty imposed on him under this section for any offence in respect of which summary proceedings have been taken under the Justices of the Peace Act, 1927.

(4) For the purpose of investigating any breach of any by-law under this Act and determining the amount of the penalty, a Committee may, subject to any directions of the Minister, adopt such forms of procedure as it may think suitable:

Provided that a Committee shall not impose any penalty on an offender without giving him a reasonable opportunity of being heard in his own defence.

5

10

15

20

25

30

35

40

45

(5) In any case where a person fails to pay any penalty duly imposed on him by a Committee under this section, the amount of the penalty shall be recoverable in the Magistrate's Court as a debt due to the Tribal Committee by the person so failing to pay the penalty:

Provided that that person may defend the proceedings, and in any such case the matter shall be reheard by the Court which in its discretion may give judgment for the plaintiff for the amount of the penalty or such less amount as it thinks fit or may give judgment for the defendant.

49. No Court fees shall be payable in respect of any application made to the Native Land Court, or any order made by that Court, under the provisions of this Act.

Exemption from Court fees.

50. (1) The Governor-General may from time to time, by Order in Council, make such regulations as are contemplated by this Act or as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

Regulations.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section—

(a) Providing for the election by poll or otherwise of candidates for consideration in relation to appointments to a Tribal Committee:

New

(b) For the purpose of amending sections *forty* to *forty-five* of this Act to accord with any recommendations which may be made by the Royal Commission appointed on the thirty-first day of January, nineteen hundred and forty-five, to inquire into and report upon licensing matters in New Zealand.

(3) Any regulations made under this section may apply to the whole of New Zealand or any part or parts thereof, or may make different provision for different parts of New Zealand.

51. (1) The enactments mentioned in the Schedule hereto are hereby repealed.

Repeals and savings.

(2) All Maori Councils and Village Committees which on the commencement of this Act are subsisting under the enactments referred to in the *last preceding* subsection are hereby abolished; and the funds and other property held by any Maori Council or any Village

Committee, and within the disposition of the Maori Council or Village Committee at the commencement of this Act, shall be disposed of in such manner as the Minister may from time to time direct.

(3) All proceedings commenced under any of the said enactments and pending or in progress at the commencement of this Act may be continued, completed, and enforced as if this Act had not been passed. 5

1922, No. 9

(4) Nothing in this section shall be deemed to affect or derogate from the provisions of section eleven of the Rotorua Borough Act, 1922, or the powers thereby vested in the Rotorua Borough Council, but the references in that section to the powers of a Maori Council shall be read as references to the powers of a Tribal Executive under this Act. 10 15

Struck out

1931, No. 32

(5) Notwithstanding the provisions elsewhere contained in this Act, the Minister may from time to time, by warrant under his hand, authorize the Taranaki Trust Board constituted under section forty-nine of the Native Purposes Act, 1931, or the Arawa District Trust Board constituted under section fifty-one of that Act, or the Tuwharetoa Trust Board constituted under section forty-five of that Act, or any other body, whether incorporated or not, to exercise in respect of any one or more tribal districts all the power and functions of a Tribal Executive under this Act; and any body so authorized by the Minister shall thereupon become the Tribal Executive in respect of the tribal district or tribal districts for which it is appointed to the exclusion of any other Tribal Executive or Tribal Executives which might otherwise have been appointed for such tribal district or tribal districts. 20 25 30

Schedule.

SCHEDULE

ENACTMENTS REPEALED

- 1900, No. 48.—The Maori Councils Act, 1900.
- 1901, No. 66.—The Maori Councils Amendment Act, 1901.
- 1903, No. 68.—The Maori Councils Amendment Act, 1903.
- 1931, No. 32.—The Native Purposes Act, 1931: Section 53.
- 1933, No. 50.—The Native Purposes Act, 1933: Section 4.
- 1935, No. 39.—The Native Purposes Act, 1935: Section 16.
- 1936, No. 56.—The Native Purposes Act, 1936: Section 12.
- 1938, No. 23.—The Native Purposes Act, 1938: Section 6.

By Authority: E. V. PAUL, Government Printer, Wellington.—1945.