

MAORI WELFARE BILL

EXPLANATORY NOTE

THE main purpose of this Bill is to consolidate and revise the Maori Social and Economic Advancement Act 1945 and its amendments. Some of the existing provisions have not been repeated and, where any material change is made, it will be referred to in this note.

The general scheme is that New Zealand will be divided into Maori Committee areas and for each area a Maori Committee will be elected. Each Maori Committee will appoint members to a Maori Executive Committee exercising jurisdiction in a larger area. The Maori Executive Committees will appoint members to District Maori Councils whose districts will mainly coincide with Maori Land Court districts. Each District Maori Council will in turn appoint members to the New Zealand Maori Council which will exercise jurisdiction throughout New Zealand.

Persons in office in the corresponding bodies at the commencement of the Act will remain in office until the first election in 1964.

The term "Maori Association" is used in the Bill to include Maori Committees, Maori Executive Committees, District Maori Councils, and the New Zealand Maori Council.

Clause 3 provides that the Act will be administered by the Minister of Maori Affairs.

Clause 4 provides for the appointment of Maori Welfare Officers who will be officers of the Department of Maori Affairs. There is no provision in the Bill for the appointment of a Controller as there is in the existing legislation.

Clause 5 provides for the appointment of Honorary Welfare Officers who will not be officers of the Department but who will have the functions of Welfare Officers except so far as limited by regulations or by direction of the Secretary for Maori Affairs.

Clause 6 prescribes the functions of Maori Welfare Officers which are generally to advise and assist the Maori people in respect of their general welfare.

Clause 7 provides for the appointment of Maori Wardens to exercise jurisdiction in prescribed areas. Although Maori Welfare Officers may be either Maoris or Europeans, Maori Wardens will all be Maoris.

Clause 8 provides for the constitution of Maori Committee areas. Existing Tribal Committee areas will become Maori Committee areas on the commencement of the proposed Act.

Clause 9 provides for the membership of Maori Committees. Each Committee will consist of seven members elected by Maori residents in each Committee area. Existing Tribal Committees will become Maori Committees.

Clause 10 prescribes the functions of Maori Committees.

Clause 11 provides for the constitution of Maori Executive Committee areas. Existing tribal districts will be Maori Executive Committee areas.

Clause 12 provides for the membership of Maori Executive Committees. Existing Tribal Executives will become Maori Executive Committees.

Clause 13 prescribes the functions of Maori Executive Committees.

Clause 14 provides for the constitution of Maori Council districts. The districts will coincide mainly with Maori Land Court districts.

Clause 15 provides for the membership of District Maori Councils. Each Maori Executive Committee in a Maori Council district will appoint two members of the appropriate District Maori Council unless there are more than 10 Executive Committees in which case each Committee will appoint one member.

Clause 16 prescribes the functions of District Maori Councils.

Clause 17 provides for the constitution of the New Zealand Maori Council. Each District Council will appoint three of its members to the New Zealand Council.

Clause 18 prescribes the general functions of the New Zealand Maori Council which are similar to those now exercised by Tribal Executives. The functions conferred on the New Zealand Council are also conferred on the various other Maori Associations but only in respect of the areas within their jurisdiction. At present Tribal Executives have fairly wide powers of making bylaws. Those provisions have not been repeated.

Clause 19 provides for elections of Maori Committees. An election will be held in February 1964 and in every third year thereafter. All Maoris over the age of 21 years ordinarily resident in the Committee area will be eligible to vote and any person (whether a Maori or not) resident in the area will be eligible to be elected.

Clause 20 makes provision for retirement after elections. Elected members will retire on the day their successors are elected and members of other Maori Associations will retire at monthly intervals after that day.

Clause 21 provides for the appointment of members of Maori Associations. Provision is made for a meeting to be held within a month after each body comes into office and at that meeting the appropriate appointments will be made.

Clauses 22 and 23 make provision for the filling of vacancies in the membership of Maori Associations and for meetings of those Associations.

Clause 24 empowers local authorities and other bodies to make contributions to Maori Associations.

Clause 25 empowers funds of Maori Committees to be subsidised by the Government.

Clause 26 makes provisions with respect to the expenses of Maori Associations.

Clause 27 prescribes general rules as to the dealing with money in the hands of Maori Associations.

Clause 28 provides for the keeping of books of account.

Clause 29 provides for the disposal of assets on the dissolution of Maori Committees and Maori Executive Committees.

Clauses 30 to 34 make provisions for the prevention of unruly behaviour by Maoris and give Maori Wardens powers to prevent that behaviour. The provisions are similar to those now contained in the Maori Social and Economic Advancement Act 1945.

Clause 35 is new and empowers a Maori Warden to exercise certain powers in respect of the prevention of Maoris from driving motor vehicles when they are not capable of exercising proper control over the vehicles. The powers are similar to those now conferred on the Police and Traffic Officers.

Clause 36 permits Maori Committees, after hearing the defendant, to impose penalties, not exceeding £10, on Maoris for certain offences against the Act. The offender will be entitled to elect to be tried summarily in the ordinary way. If he is penalised by the Committee he may defend any proceedings to recover the penalty and a Magistrate shall then rehear the proceedings and give such decision, including a reversal of the decision of the Committee, as he thinks fit. A similar provision is contained in the Maori Social and Economic Advancement Act 1945.

Clause 37 constitutes each Maori Association a body corporate.

Clause 38 provides for the making of contracts by Maori Associations.

Clause 39 provides for the authentication of documents by Maori Associations.

Clause 40 empowers Maori Associations to acquire land.

Clause 41 provides that members of Maori Associations are not to be personally liable in respect of acts done in good faith.

Clause 42 provides a general penalty for offences.

Clause 43 provides for the making of regulations.

Clause 44 repeals the existing legislation. Among the enactments repealed is the Tohunga Suppression Act 1908. A similar provision is contained in section 14 of the Maori Purposes Act 1949 which is also repealed. No similar provision is contained in the Bill.

Hon. Mr Hanan

MAORI WELFARE

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A BILL INTITULED

An Act to provide for the constitution of Maori Associations, to define their powers and functions, and to consolidate and amend the Maori Social and Economic Advancement Act 1945

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

1. Short Title and commencement—(1) This Act may be cited as the Maori Welfare Act 1962.

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(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-three.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Maori” means a person belonging to the aboriginal race of New Zealand; and includes any descendant of a Maori:

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“Maori Association” includes a Maori Committee, a Maori Executive Committee, a District Maori Council, and the New Zealand Maori Council:

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“Maori village” means a kainga, village, or pa the boundaries of which have been defined by a Maori Committee and which has been declared to be a Maori village for the purposes of this Act:

“Maori Warden” means a person appointed a Maori Warden under this Act:

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“Meeting place” means any church, meeting house, hall, dining hall, kitchen, or other building (other than a private dwellinghouse) used as a meeting place for Maoris:

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“Minister” means the Minister of Maori Affairs:

“Secretary” means the Secretary for Maori Affairs:

“Triennial election” means an election of members of Maori Committees held under section 19 of this Act.

Administration

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3. Act to be administered by Minister—This Act shall be administered by the Minister of Maori Affairs, and the powers conferred by this Act shall be under the general direction and control of the Minister.

4. **Welfare Officers**—For the purposes of this Act there shall be appointed under the State Services Act 1962 as officers of the Public Service (whether as permanent or temporary officers) and as officers of the Department of Maori Affairs, such Maori Welfare Officers as may be necessary.

5. **Honorary Welfare Officers**—(1) The Minister may from time to time, by notice in the *Gazette*, appoint such honorary Maori Welfare Officers as he thinks fit to exercise jurisdiction in such areas as may be prescribed in the notice.

10 (2) The provisions of the State Services Act 1962, shall not apply with respect to any person appointed under this section.

15 (3) Every appointment under this section shall be for such term, not exceeding three years, as the Minister thinks fit, and any person appointed may from time to time be reappointed:

20 Provided that any such person may be at any time removed from office by the Minister for incapacity, neglect of duty, or misconduct, or for the reason that, because of his change of residence or other sufficient cause, he is unable to carry out his functions efficiently, or he may resign his office by writing addressed to the Secretary.

25 (4) Every honorary Maori Welfare Officer shall, within the area in respect of which he was appointed, have all the powers and functions of a Maori Welfare Officer except so far as those powers and functions are limited by regulations under this Act or by direction of the Secretary.

(5) Every resignation and removal under this section shall be notified in the *Gazette*.

30 6. **Functions of Welfare Officers**—(1) The general functions of Maori Welfare Officers shall be, under the control of the Secretary, to advise and assist the Maori people in respect of their general welfare and, in particular, in respect of their health, housing, education, vocational training, and

35 employment.
(2) In the exercise of their functions, Maori Welfare Officers shall collaborate with and give such assistance and advice to Maori Associations as may be necessary or helpful in the circumstances.

7. Maori Wardens—(1) For the purposes of this Act the Minister may from time to time, by notice in the *Gazette*, appoint as Maori Wardens such number of persons who are Maoris as he thinks fit who shall carry out duties in such areas as may be prescribed in the notice.

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(2) Every Maori Warden shall perform such functions and exercise such powers as may be conferred on him by this Act or by regulations under this Act.

(3) The Minister may at any time remove any Maori Warden from office and a Maori Warden may at any time resign his office by writing addressed to the Secretary.

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(4) Every resignation and removal under this section shall be notified in the *Gazette*.

(5) Subject to any regulations under this Act, a Maori Association may in its discretion pay out of its funds to any Maori Warden exercising functions in its area such remuneration or allowances for his services as it may determine.

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(6) Any powers conferred on a Maori Warden by this Act shall be exercised only in the area in respect of which he was appointed:

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Provided that on the request of a Maori Association a Maori Warden may exercise any such powers in the area or district of that Association for the purpose of assisting the Association on special occasions.

Maori Committees

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8. Maori Committee areas—(1) Any area which, at the commencement of this Act, is declared a Tribal Committee area under section 14 of the Maori Social and Economic Advancement Act 1945 shall be deemed to be a Maori Committee area.

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(2) A District Maori Council may, by resolution, alter the boundaries of any Maori Committee area, or amalgamate two or more Maori Committee areas, or constitute a new Maori Committee area, within the district of the Council.

(3) Each District Maori Council shall assign a name by which each Maori Committee area within its district shall be described and known and may from time to time, by resolution, amend any such name.

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(4) Every resolution under this section shall be notified to the Maori Committee concerned and to the Secretary.

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9. Maori Committees—(1) For the purposes of this Act there shall be a Maori Committee for every Maori Committee area constituted under section 8 of this Act.

(2) Each Maori Committee shall consist of seven members elected in accordance with this Act.

(3) Notwithstanding the provisions of subsection (2) of this section, the members of every Tribal Committee in office at the commencement of this Act under section 15 of the Maori Social and Economic Advancement Act 1945 shall be deemed to be members of the Maori Committee for the Maori Committee area in respect of which those members were appointed or elected.

(4) Any alteration in the boundaries of a Maori Committee area shall not affect the membership of the Maori Committee elected in respect of that area and each member in office at the date of the resolution effecting the alteration shall, unless his office otherwise becomes vacant, remain in office until the next triennial election.

(5) Notwithstanding the provisions of subsection (2) of this section, where two or more Maori Committee areas are amalgamated, all the members of the Maori Committees elected in respect of the amalgamated areas and in office at the date of the resolution effecting the amalgamation shall, unless their offices otherwise become vacant, remain in office until the next triennial election.

(6) Where a new Maori Committee area is constituted, an election of members of the Maori Committee for the area shall be held as soon as practicable after the constitution of the area.

10. Functions of Maori Committees—(1) Each Maori Committee shall, in relation to the Maoris within its area, have the functions conferred on the New Zealand Maori Council by subsection (1) of section 18 of this Act.

(2) Each Maori Committee shall be subject in all things to the control of the Maori Executive Committee in whose area it operates and shall act in accordance with all directions, general or special, given to it by the Maori Executive Committee.

Maori Executive Committees

11. Maori Executive Committee areas—(1) Any area which, at the commencement of this Act, is declared a tribal district under section 6 of the Maori Social and Economic Advancement Act 1945 shall be deemed to be a Maori Executive Committee area.

(2) A District Maori Council may, by resolution, alter the boundaries of any Maori Executive Committee area, or amalgamate two or more Maori Executive Committee areas, or constitute a new Maori Executive Committee area, within the district of the Council. 5

(3) Each District Maori Council shall assign a name by which each Maori Executive Committee area within its district shall be described and known and may from time to time, by resolution, amend any such name.

(4) Every resolution under this section shall be notified to the Maori Executive Committee concerned and to the Secretary. 10

12. Maori Executive Committees—(1) For the purposes of this Act there shall be a Maori Executive Committee for every Maori Executive Committee area constituted under section 11 of this Act. 15

(2) Each Maori Executive Committee shall consist of members appointed in accordance with this section by Maori Committees for Maori Committee areas within the Maori Executive Committee area. 20

(3) Where there are less than four Maori Committees in a Maori Executive Committee area, the number of members appointed as aforesaid shall be three for each Maori Committee and, in any other case, the number of members appointed shall be two for each Maori Committee. 25

(4) Notwithstanding the provisions of subsection (3) of this section, the members of every Tribal Executive Committee in office at the commencement of this Act under section 8 of the Maori Social and Economic Advancement Act 1945 shall be deemed to be members of the Maori Executive Committee for the Maori Executive Committee area in respect of which those members were appointed or elected. 30

(5) Any alteration in the boundaries of a Maori Executive Committee area shall not affect the membership of the Maori Executive Committee appointed in respect of that area and each member in office at the date of the resolution effecting the alteration shall, unless his office otherwise becomes vacant, remain in office for the residue of the term for which he was appointed. 35

(6) Notwithstanding the provisions of subsection (3) of this section, where two or more Maori Executive Committee areas are amalgamated, all the members of the Maori Executive Committees appointed in respect of the amalgamated areas and in office at the date of the resolution effecting the amalgamation shall, unless their offices otherwise become vacant, remain in office for the residue of the term for which they were appointed.

10 **13. Functions of Maori Executive Committees**—(1) Each Maori Executive Committee shall, in relation to the Maoris within its area, have the functions conferred on the New Zealand Maori Council by subsection (1) of section 18 of this Act.

15 (2) Each Maori Executive Committee shall be subject in all things to the control of the District Maori Council in whose district it operates and shall act in accordance with all directions, general or special, given to it by the Maori District Council.

District Maori Councils

20 **14. Maori Council districts**—(1) The Minister may from time to time, by notice in the *Gazette*, declare any part of New Zealand defined in the notice to be a Maori Council district for the purposes of this Act and may assign a name by which the Maori Council district shall be described
25 and known.

(2) Subject to the provisions of this section, all Maori Land Court districts shall be Maori Council districts for the purposes of this Act.

30 (3) The district defined at the commencement of this Act pursuant to subsection (4) of section 13 of the Maori Social and Economic Advancement Act 1945 in respect of the Auckland District Maori Council shall be a Maori Council district for the purposes of this Act.

35 (4) The Minister may from time to time, by notice in the *Gazette*, vary the boundaries of any Maori Council district.

15. District Maori Councils—(1) For the purposes of this Act there shall be a District Maori Council for every Maori Council district constituted under section 14 of this Act.

40 (2) Each District Maori Council shall consist of members appointed in accordance with this section by Maori Executive Committees whose areas are within the district of the Council.

(3) Each Maori Executive Committee shall appoint two members to the District Maori Council:

Provided that if the number of Maori Executive Committees in any Maori Council district is more than ten, each of those Committees shall appoint one member to the Council. 5

(4) Notwithstanding the provisions of subsection (3) of this section, the members of any District Council in office at the commencement of this Act under section 13 of the Maori Social and Economic Advancement Act 1945 shall be deemed to be members of the District Maori Council for the Maori Council district in respect of which those members were appointed. 10

16. Functions of District Maori Councils—(1) Each District Maori Council shall, in relation to the Maoris within its district, have the functions conferred on the New Zealand Maori Council by subsection (1) of section 18 of this Act. 15

(2) Each District Maori Council shall be subject in all things to the control of the New Zealand Maori Council and shall act in accordance with all directions, general or special, given to it by the New Zealand Maori Council. 20

(3) Each District Maori Council shall advise, direct, and generally supervise each Maori Committee and Maori Executive Committee within its district and shall consider all representations and reports from each such committee.

(4) Each District Maori Council shall submit an annual report of its activities to the New Zealand Maori Council. 25

New Zealand Maori Council

17. New Zealand Maori Council—(1) For the purposes of this Act there shall be a New Zealand Maori Council.

(2) The members of the New Zealand Maori Council shall consist of members appointed in accordance with this section by District Maori Councils. 30

(3) Each District Maori Council shall appoint three members to the New Zealand Maori Council.

(4) The members of the New Zealand Maori Council of Tribal Executives established under section 13E of the Maori Social and Economic Advancement Act 1945 in office at the commencement of this Act shall be deemed to be members of the New Zealand Maori Council. 35

18. General functions of the New Zealand Maori Council—

(1) The general functions of the New Zealand Maori Council, in respect of all Maoris, shall be—

- 5 (a) To consider and discuss such matters as appear relevant to the social and economic advancement of the Maori race:
- 10 (b) To consider and, as far as possible, give effect to any measures that will conserve and promote harmonious and friendly relations between members of the Maori race and other members of the community:
- 15 (c) To promote, encourage, and assist Maoris—
 (i) To conserve, improve, advance and maintain their physical, economic, industrial, educational, social, moral, and spiritual well-being;
 (ii) To assume and maintain self-reliance, thrift, pride of race, and such conduct as will be conducive to their general health and economic well-being;
 (iii) To accept, enjoy, and maintain the full rights, privileges, and responsibilities of New Zealand citizenship;
 (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:
- 20 (d) To collaborate with and assist State Departments and other organisations and agencies in—
 (i) The placement of Maoris in industry and other forms of employment;
 (ii) The education, vocational guidance, and training of Maoris;
 (iii) The provision of housing and the improvement of the living conditions of Maoris;
 (iv) The promotion of health and sanitation amongst the Maori people;
 (v) The fostering of respect for the law and law-observance amongst the Maori people;
 (vi) The prevention of excessive drinking and other undesirable forms of conduct amongst the Maori people; and
 (vii) The assistance of Maoris in the solution of difficulties or personal problems.
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(2) The New Zealand Maori Council shall advise and consult with District Maori Councils, Maori Executive Committees, and Maori Committees on such matters as may be referred to it by any of those bodies or as may seem necessary or desirable for the social and economic advancement of the Maori race. 5

(3) In the exercise of its functions the Council may make such representations to the Minister or other person or authority as seem to it advantageous to the Maori race.

Elections

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19. Elections of Maori Committees—(1) On the last Saturday in February in the year nineteen hundred and sixty-four and on the corresponding day in every third year thereafter an election of members of Maori Committees shall be held.

(2) Notwithstanding the provisions of subsection (1) of this section, if in any year it is not practicable to hold an election in any Maori Committee area on the day prescribed in that subsection, the election shall be held in that area on a day not earlier than seven days before the prescribed day and not later than fourteen days after the prescribed day. 15 20

(3) All Maoris over the age of twenty-one years ordinarily resident in a Maori Committee area shall be entitled to vote at elections for members of the Maori Committee for that area.

(4) Any person over the age of twenty-one years, whether or not he is a Maori, ordinarily resident in the Maori Committee area shall be eligible for election. 25

(5) All elections under this section shall be held in accordance with regulations under this Act.

20. Provisions as to retirement after elections—(1) The term of office of every member of a Maori Committee shall expire with the day of the election on which his successor is elected. 30

(2) Subject to the provisions of this Act, the term of office of every member of a Maori Executive Committee shall expire with the thirty-first day of March in each year in which a triennial election is held. 35

(3) Subject to the provisions of this Act, the term of office of every member of a District Maori Council shall expire with the thirtieth day of April in each year when a triennial election is held. 40

(4) Subject to the provisions of this Act, the term of office of every member of the New Zealand Maori Council shall expire with the thirty-first day of May in each year when a triennial election is held.

5 **21. Appointment of members of Maori Associations—**

(1) During the month of March in each year in which a triennial election is held, every Maori Committee shall hold a meeting at which it shall appoint the appropriate number of its members to be members of the Maori Executive Com-
10 mittee for its Maori Executive area.

(2) During the month of April in each year in which a triennial election is held, every Maori Executive Committee shall hold a meeting at which it shall appoint the appropriate number of its members to be members of the District Maori
15 Council for its Maori Council district.

(3) During the month of May in each year in which a triennial election is held, every District Maori Council shall hold a meeting at which it shall appoint the appropriate number of its members to be members of the New Zealand
20 Maori Council.

(4) Notice of all appointments under this section shall be given to the Secretary, who shall compile a list of members of the various Maori Associations and publish the list in the *Gazette*.

(5) Any member appointed to a Maori Executive Com-
25 mittee or a District Maori Council or the New Zealand Maori Council shall cease to be a member of the body to which he was appointed if he ceases to be a member of the body by which he was appointed and, in any such case, the
30 appointing body may by resolution appoint another member in place of the person ceasing to be a member to hold office for the residue of the term for which that person was appointed.

(6) Notwithstanding the provisions of this Act, where
35 pursuant to this Act the number of Maori Committees, Maori Executive Committees, or District Maori Councils in any area or district is altered, each member of any Maori Executive Committee or District Maori Council or of the
40 New Zealand Maori Council in office at the date of the alteration shall, unless his office becomes vacant otherwise than pursuant to the alteration in number as aforesaid, remain in office for the residue of the term for which he was appointed.

22. Vacancies in membership—With respect to vacancies in the membership of Maori Associations, the following provisions shall apply:

- (a) Any member of any Maori Association may be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister or he may resign his office by notice in writing to the Secretary for Maori Affairs: 5
- (b) Any vacancy in the membership of any Maori Association shall be filled in the same manner in which the election or appointment of the member whose office has become vacant was made: 10
- (c) Any person elected or appointed to fill a vacancy under this section shall be elected or appointed to hold office for the unexpired term of his predecessor, and shall be eligible for reappointment: 15
- (d) The powers of any Maori Association shall not be affected by any vacancy in the membership thereof, or because of any person continuing to act as a member of any such body after he has ceased to be a member, or because of any defect or illegality in the appointment of any member. 20

23. Meetings—With respect to meetings of Maori Associations, the following provisions shall apply: 25

- (a) Each Maori Association shall meet at such times and at such places as the Association or the Chairman thereof shall appoint:
- (b) At its first meeting each Maori Association shall elect one of its members to be Chairman: 30
- (c) The Chairman shall preside at all meetings of the body of which he is Chairman 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: 35
- (d) In case any member of any Maori Association is unable to attend a meeting of that Association, the Association by which he was appointed may appoint another of its members as his proxy at that meeting:
- (e) No business shall be transacted at any meeting of any Maori Association unless a quorum of not less than half its members is present: 40

(f) All questions coming before any Maori Association 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 casting vote as well as a deliberative vote:

(g) All proceedings, decisions, and resolutions of any Maori Association shall be recorded in a minute book kept for the purpose:

(h) Subject to the provisions of this Act and of any regulations under this Act, every Maori Association may regulate its procedure in such manner as it thinks fit.

Financial Provisions

24. Contributions to funds—Any local authority or other public body, corporation sole, company, or other corporate body, trustee (including the Maori Trustee) or any other person may, unless expressly prohibited by any Act or by any instrument of trust, make to any Maori Association donations or gifts of money for the purpose of augmenting the funds of that Association.

25. Subsidies—(1) Subject to any regulations under this Act, any capital expenditure by a Maori Committee or a Maori Executive Committee may be subsidised out of money appropriated by Parliament for the purpose at a rate not exceeding one pound for one pound:

Provided that no subsidy shall be payable under this section unless the Minister has approved the expenditure and recommended the payment of the subsidy.

(2) The provisions of subsection (1) of this section may be extended to any association or body of persons whether incorporated or not, approved by the Minister in that behalf, and having for its principal object or one of its principal objects the promotion of the welfare of the Maori people or of any portion of the Maori people.

26. Expenses of Councils and Committees—(1) The New Zealand Maori Council may from time to time require each District Maori Council to make such contributions as may be required for the purpose of paying the costs and expenses of the administration of the New Zealand Maori Council, including the reasonable travelling expenses of its members.

(2) Each District Maori Council may require each Maori Executive Committee in its district to make such contributions as may be required for the purpose of paying the costs and expenses of the administration of the District Maori Council.

(3) Each Maori Executive Committee may require each Maori Committee in its area to make such contributions as may be required for the purpose of paying the costs and expenses of the administration of the Maori Executive Committee. 5

27. Money to be paid into bank—With respect to all money received by a Maori Association, the following provisions shall apply: 10

(a) The money shall, as and when received, be paid into a bank or the Post Office Savings Bank to the credit of the Maori Association by which it was received: 15

(b) No money shall be drawn from any such bank except by cheque or withdrawal form signed by two members of the Maori Association or by one member and the Secretary of the Association:

Provided that the Minister if he thinks fit may in any case require that all cheques and withdrawal forms shall be countersigned by a person from time to time nominated by him. 20

28. Books of account—With respect to the books of account of Maori Associations, the following provisions shall apply: 25

(a) Every Maori Association shall cause books to be provided and kept, and true and regular accounts to be entered therein of all money received and paid, and of the several purposes for which any such money has been received and paid: 30

(b) Any member of any Maori Association may at any reasonable time inspect the books of the Association free of charge and take copies of or extracts from them:

(c) The books and accounts shall be kept in such manner as may be prescribed by regulations under this Act or, in the absence of any such regulations, as may be determined by the Secretary for Maori Affairs: 35

(d) As soon as reasonably practicable after the end of each financial year every Maori Association shall prepare a statement showing its financial operations for that year and its assets and liabilities at the end of that year: 40

- (e) Every such statement shall be audited by a registered public accountant appointed by the Maori Association concerned or by some other person approved in that behalf by the Secretary for Maori Affairs:
- 5 (f) The New Zealand Maori Council and each District Maori Council shall submit a copy of its audited statement to the Secretary for Maori Affairs and each Maori Committee and Maori Executive Committee shall submit a copy of its audited statement to the District Maori Council in whose district it operates.
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29. Disposal of assets on dissolution—(1) If any Maori Committee is dissolved or ceases to function, the Maori Executive Committee for the area in which the Maori Committee operated shall notify the appropriate District Maori Council and the Secretary.

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(2) If any Maori Executive Committee is dissolved or ceases to function, the District Maori Council for the district in which the Committee operated shall notify the Secretary.

20 (3) Any notification under subsection (1) or subsection (2) of this section shall be published in the *Gazette* by the Secretary for Maori Affairs.

(4) Upon the publication of any such notice in the *Gazette* the assets of the body to which it relates shall vest, in the case of a Maori Committee, in the Maori Executive Committee for the area in which the Maori Committee operated and, in the case of a Maori Executive Committee, in the District Maori Council for the district in which the Maori Executive Committee operated.

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30 (5) The body in which any assets become vested under subsection (4) of this section shall discharge the liabilities of the body in which the assets were formerly vested so far as the assets will extend and shall hold any residue for such purposes as may be authorised by this Act for the benefit of Maoris in its area or district.

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Prevention of Unruly Behaviour

30. Prevention of riotous behaviour—(1) Any Maori who, whether in a Maori village or elsewhere—

- 40 (a) Disturbs any congregation assembled for public worship, or any public meeting, or any meeting for any lecture, concert, or entertainment, or any audience at any theatre, whether or not a charge for admission has been made, or interferes with the conduct of any religious service in any church, chapel, burial ground, or other public building or place; or
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(b) In or in view of any public place as defined by section 40 of the Police Offences Act 1927, or within the hearing of any person therein, behaves in a riotous, offensive, threatening, insulting, or disorderly manner, or uses any threatening, abusive or insulting words, or strikes or fights with any other person— 5

commits an offence against this Act.

(2) Nothing in this section shall be construed to prevent a penalty being imposed on any person under the Summary Proceedings Act 1957 in respect of an offence committed against section 3 of the Police Offences Act 1927, but no person shall be punished twice for the same offence. 10

31. Prevention of drunkenness—A Maori Warden may at any reasonable time enter any licensed premises in any area where he is authorised to carry out his duties 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 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 that Maori, the licensee and, if the servant had been warned by the Warden, the servant, commits an offence against this Act. 15 20

32. Maori may be ordered to leave hotel—(1) A Maori Warden may at any reasonable time enter any licensed premises in any area where he is authorised to carry out his duties and order any Maori who appears to be intoxicated or partly intoxicated, or who is violent, quarrelsome, or disorderly, whether intoxicated or not, to leave the premises. 25 30

(2) If the Maori refuses or fails to leave the premises when ordered to do so as aforesaid, he commits an offence against this Act and the Warden may request any member of the Police to expel the Maori from the premises and that member may do so with or without the assistance of the Warden. 35

33. Disorderly behaviour at Maori gatherings—(1) Any person, whether a Maori or not, who is under the influence of intoxicating liquor in any Maori meeting house or church or other building or meeting place where Maoris are assembled and who refuses to leave the same when requested so to do commits an offence against this Act. 40

(2) Every person, whether a Maori or not, who having the control or management of any dance, meeting, tangi, hui, or other gathering of Maoris being held in any meeting place supplies intoxicating liquor to any person within the bounds of the meeting place or permits any such liquor to be taken into or consumed within the bounds of the meeting place, commits an offence against this Act.

(3) Every person, whether a Maori or not, who, while at a dance, meeting, tangi, hui, or other gathering of Maoris is being held in a meeting place, drinks any intoxicating liquor within the bounds of the meeting place, or has any such liquor in his possession or control within the bounds of the meeting place or in the vicinity of the meeting place or supplies intoxicating liquor to any person in the meeting place commits an offence against this Act.

(4) For the purposes of subsection (2) of this subsection intoxicating liquor shall be deemed to be in the vicinity of a meeting place where a gathering of Maoris is being held if it is shown that the liquor was in the possession or control of any person attending or proceeding to attend the gathering, or was consumed or intended for consumption by any person so attending.

(5) Any member of the Police or Maori Warden who has reason to suspect that there is any breach by any person of the provisions of this section in or in the vicinity of any meeting place where a gathering of Maoris is taking place may without warrant enter the meeting place or any place in the vicinity thereof, and examine the same and search for intoxicating liquor therein and may seize and remove any such liquor found therein and the vessels containing the liquor. Any intoxicating liquor so seized in respect of which any person is convicted of an offence under this section shall, together with the vessels containing the liquor, be forfeited to the Crown.

(6) Nothing in this section shall apply to prohibit the supply to any person of intoxicating liquor or the drinking or possession of any such liquor in any case where--

- (a) The liquor is bona fide required for medicinal purposes on the authority of a registered medical practitioner; or
- (b) The liquor is bona fide required for religious purposes; or
- (c) The liquor has been taken to and consumed in a meeting place in accordance with a permit given under this section.

(7) Nothing in this section shall apply in relation to any liquor consumed in any dwellinghouse by persons for the time being resident therein or to any liquor in any licensed premises or shall be deemed to confer upon any member of the Police or Maori Warden the power to enter without warrant any dwellinghouse unless the person in lawful occupation consents to the entry. 5

(8) A Maori Committee for any area in which a meeting place is situated may, in respect of the meeting place, issue a written permit for the introduction of intoxicating liquor into the meeting place for the purpose of being consumed therein at any gathering of Maoris other than a gathering for the purposes of a dance. Any such permit shall prescribe the nature and place of the gathering and may contain such conditions as the Maori Committee thinks fit in respect of the supply and the consumption of liquor. A copy of every such permit shall be supplied to the senior member of the Police for the area and the permit shall not have any effect until the copy is so supplied. 10 15

(9) Nothing in this section shall be construed to prevent a penalty being imposed on any person under the Summary Proceedings Act 1957 in respect of an offence committed against section 59 of the Statutes Amendment Act 1939, but no person shall be punished twice for the same offence. 20

34. Prohibition orders against Maoris—(1) Except as otherwise provided by this section, the provisions of Part VI of the Licensing Act 1908 shall apply to Maoris in all respects as they apply to persons who are not Maoris. 25

(2) No prohibition order against a Maori shall be made under Part VI of the Licensing Act 1908 otherwise than on the application of— 30

- (a) A member of the Police:
- (b) A relative of the Maori:
- (c) A Maori Warden:
- (d) A Welfare Officer appointed under this Act: 35
- (e) A Welfare Officer under the Child Welfare Act 1925:
- (f) A member of a Maori Committee:
- (g) A member of a School Committee established under Part IV of the Education Act 1914 for the school district in which the Maori is ordinarily resident: 40
- (h) Any Maori who desires that a prohibition order shall be made against himself.

(3) Without limiting the provisions of Part VI of the Licensing Act 1908, every person who gives or supplies intoxicating liquor to any Maori during the currency of a prohibition order against the Maori commits an offence against
5 this Act.

35. Retention of car keys—(1) Where any Maori Warden is of the opinion that any Maori who is for the time being in charge of any motor vehicle is, by reason of physical or mental condition, however arising, incapable of having and
10 exercising proper control of the motor vehicle, he may—

- (a) Forbid that Maori to drive the motor vehicle; or
- (b) Require him to deliver up forthwith all ignition or other keys of the motor vehicle in his possession; or
- 15 (c) Take such steps as may be necessary to render the motor vehicle immobile or to remove it to a place of safety.

(2) The powers conferred on Maori Wardens by subsection (1) of this section may be exercised in respect of persons
20 other than Maoris where any such person is in charge of a motor vehicle in or in the vicinity of a Maori village, or meeting place, or any other place where a gathering of Maoris is assembled for any lawful purpose.

(3) Every person who fails to comply with any direction
25 given to him under this section or who does any act that is for the time being forbidden under this section commits an offence against this Act:

Provided that no person shall be deemed to have committed an offence under this section unless the Maori Warden
30 had reasonable grounds for believing that in all the circumstances of the case the direction or prohibition was necessary in the interests of the defendant or of any other person or of the public.

36. Imposition of penalties by Maori Committees—(1) If
35 a Maori Committee is satisfied that an offence has been committed by a Maori against section 30, section 32, section 33, or section 35 of this Act, it may authorise proceedings to be taken in a summary manner under the Summary Proceedings Act 1957 in respect of the offence or it may, in its discretion,
40 impose on the offender a penalty in respect thereof of such amount as it thinks fit, not exceeding ten pounds:

Provided that no penalty shall be imposed by a Maori Committee under this subsection if the person charged elects to be dealt with summarily under the Summary Proceedings Act 1957, and before imposing any penalty, the Committee shall make known to the offender his right of election. 5

(2) No person shall have a penalty imposed on him under this section for an offence in respect of which summary proceedings have been taken under the Summary Proceedings Act 1957 and no person shall have a penalty imposed on him under the Summary Proceedings Act 1957 for an offence for which a penalty has been imposed under this section. 10

(3) For the purpose of investigating any offence referred to in subsection (1) of this section and determining the amount of the penalty, a Maori Committee may, subject to any directions of the Minister, adopt such form of procedure as it may think suitable: 15

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.

(4) In any case where a person fails to pay any penalty duly imposed by a Maori Committee under this section, the amount of the penalty shall be recoverable in the Magistrate's Court as a debt due to the Committee by the person so failing to pay the penalty: 20

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. 25

(5) The amount of any penalties imposed by a Maori Committee under this section shall be paid to the Committee and shall form part of its funds. 30

(6) The amount of any penalty imposed under the Summary Proceedings Act 1957 pursuant to proceedings authorised in that behalf under this section, and the amount of any penalty so imposed on a person who has elected under this section to be dealt with summarily under that Act, shall be paid into the funds of the Maori Committee of the Maori Committee area within which the offence was committed: 35

Provided that there shall be deducted from the amount of any such penalty and credited to the Ordinary Revenue Account of the Consolidated Fund an amount equal to five per cent of the penalty. 40

Miscellaneous Provisions

5 **37. Associations to be bodies corporate**—Every Maori Association shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may do and suffer.

10 **38. Contracts by Associations**—(1) Any contract which, if made between private persons, must be by deed shall, if made by a Maori Association, be in writing under the seal of the Association.

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

20 (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 Maori Association by any member thereof, but no oral contract shall be made involving the payment by the Association of a sum exceeding twenty pounds.

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

30 **39. Authentication of documents**—(1) All instruments or documents issued or authorised by a Maori Association shall, except as may be otherwise specially provided by this Act or by any regulations thereunder, be signed on behalf of the Association by at least two members thereof on behalf of and by direction of the Association and shall be sealed with
35 the seal of the Association in their presence.

(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.

40. Associations may acquire land—Any Maori Association may, with the precedent consent of the Minister, acquire any land or interest in land, whether by way of purchase, lease, or otherwise, for any communal purposes, and may with the like consent sell, lease, sublease, or otherwise dispose of any such land or interest so acquired. 5

41. Members of Maori Associations not personally liable—No member of a Maori Association shall be personally liable for any act done or omitted by the Association or by any member thereof in good faith in pursuance or in intended pursuance of the powers and authority of the Association. 10

42. Penalties—Every person who commits an offence against this Act for which no penalty is specifically provided shall be liable on summary conviction to a fine not exceeding twenty pounds. 15

43. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Providing for elections of members of Maori Committees: 20
- (b) Prescribing procedures at meetings of Maori Associations:
- (c) Providing for the method of appointment of members of Maori Committees, Maori Executive Committees, and District Maori Councils to the appropriate Maori Association under this Act: 25
- (d) Providing for the payment of expenses and travelling allowances to members of Maori Associations:
- (e) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof. 30

(2) Any regulations under this Act 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.

44. Repeals—The enactments specified in the Schedule are hereby repealed. 35

SCHEDULE

Section 44

ENACTMENTS REPEALED

- 1908, No. 193—The Tohunga Suppression Act 1908. (1957 Reprint, Vol. 15, p. 651.)
- 1945, No. 43—The Maori Social and Economic Advancement Act 1945. (1957 Reprint, Vol. 9, p. 131.)
- 1947, No. 59—The Maori Purposes Act 1947: Sections 12, 13, 14, and subsections (1) to (4) of section 15. (1957 Reprint, Vol. 9, p. 160.)
- 1948, No. 69—The Maori Purposes Act 1948: Sections 7 and 8. (1957 Reprint, Vol. 9, p. 161.)
- 1949, No. 46—The Maori Purposes Act 1949: Part II. (1957 Reprint, Vol. 9, p. 161.)
- 1950, No. 98—The Maori Purposes Act 1950: Section 10. (1957 Reprint, Vol. 9, p. 162.)
- 1951, No. 52—The Maori Social and Economic Advancement Amendment Act 1951. (1957 Reprint, Vol. 9, p. 162.)
- 1955, No. 106—The Maori Purposes Act 1955: Section 9. (1957 Reprint, Vol. 9, p. 163.)
- 1957, No. 81—The Maori Purposes Act 1957: Section 12. (1957 Reprint, Vol. 9, p. 163.)
- 1961, No. 41—The Maori Social and Economic Advancement Amendment Act 1961.