

1963/210



## THE MAORI RESERVATIONS REGULATIONS 1963

BERNARD FERGUSSON, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 9th day of December 1963

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to section 439 of the Maori Affairs Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

1. (1) These regulations may be cited as the Maori Reservations Regulations 1963.

(2) These regulations shall come into force on the twenty-first day after the date of their notification in the *Gazette*.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Maori Affairs Act 1953:

“Court” means the Maori Land Court:

“Registrar” means the Registrar of the Court for the Court district in which the reservation is situated:

“Reservation” means any land which has been set apart as a Maori reservation under paragraph (b) of subsection (2) of section 200 or section 439 of the Act or under the corresponding provisions of any former Act:

“Trustees” means the body corporate or persons in whom a reservation is for the time being vested and by whom it is administered.

3. (1) It shall be the duty of the trustees to administer the reservation in respect of which they were appointed in such a manner as will best promote the purposes for which it was set apart and for the benefit of the persons entitled to its use and enjoyment.

(2) The trustees shall take all proper steps to safeguard the health and well-being of all persons entitled in accordance with the purposes of the reservation to enter into and reside within the reservation, to ensure good conduct by those persons, and to preserve law and order.

(3) Except where any such use would interfere with the trusts upon which the reservation was set apart, the trustees shall endeavour to administer it in such a manner as will render it revenue producing.

(4) Where the trustees are in any doubt as to the proper steps to take in any particular circumstances they may, in their discretion, consult with the beneficiaries of the reservation at a meeting or in such other manner as they think fit, or they may apply to the Court for directions.

(5) Where the nature of the reservation is such that the trustees consider it desirable to call annual or other periodic meetings of the beneficiaries of the reservation or in any case where the Court, on the application of any such beneficiary, directs that any such meetings be held, the trustees shall make the necessary arrangements for the holding of meetings.

4. (1) The trustees shall meet for the dispatch of business at such times and places as they decide and a meeting may at any time be summoned by the chairman of which reasonable notice shall be given to the trustees.

(2) No business shall be transacted at any meeting of the trustees unless a quorum is present. Where the number of trustees is two or three, two shall constitute a quorum and where the number of trustees is more than three, three shall constitute a quorum.

(3) The trustees shall at the first convenient meeting appoint one of their number to act as chairman and that person shall remain in office until such time as the trustees appoint a new chairman.

(4) If the trustees are unable to agree as to the appointment of a chairman, or for any other reason fail to appoint a chairman, the Court may appoint a chairman to hold office for a term of twelve months or until a new chairman is appointed by the trustees or the Court.

(5) All questions coming before the trustees at any meeting shall be decided by a majority of the votes of the trustees present thereat.

(6) At every meeting the chairman or, in his absence, some other trustee chosen by those present shall preside; and the chairman or presiding trustee shall have a deliberative vote and also, in the event of an equality of votes on any matter, a casting vote.

(7) All proceedings and resolutions of the trustees shall be recorded in a minute book kept for the purpose. The trustees shall, if requested by the Court, supply to it a copy of or an extract from any such minutes.

5. (1) Where any money is received or receivable in respect of any reservation, proper books of account shall be kept by the trustees, who shall record therein all money received and paid out by them.

(2) All books and vouchers shall, on request by the Court, be produced to it for examination.

(3) At the close of each yearly period ending on the 31st day of March the trustees shall cause to be prepared a statement showing the total receipts and expenditure during the preceding twelve months. Where the annual income of the trustees exceeds £75, and, in any other case where the Court so requires, the accounts shall be audited and the audited accounts shall be transmitted to the Court.

(4) Upon the application of any person interested the Court may, if it thinks fit, appoint a duly qualified auditor to audit the accounts of the trustees and may make an order determining the manner in which the costs of any such audit shall be met. Every auditor so appointed shall have all such powers as are reasonably necessary to enable him to carry out his duties.

(5) Any action by any trustee tending to defeat a proper inquiry into the accounts of the trustees in respect of the reservation shall be deemed to be a good and sufficient reason for removing that trustee from office and the Court may award costs against any trustee removed as aforesaid.

6. (1) Every person who is authorised by the trustees to occupy any building within a reservation shall have a duty to ensure that it is kept clean and tidy both inside and outside and to comply with all of the requirements under the Health Act 1956 which are applicable to the building.

(2) The trustees may impose such conditions as they think fit in the circumstances on the occupier of any such building, whether for the protection of water supplies, the prevention of nuisances, the prevention of overcrowding, the protection of health, or otherwise howsoever, and every occupier shall have a duty to comply with any such conditions.

7. (1) No person shall hold, promote, or organise any hui, tangi, meeting, or other large gathering of persons within a reservation without the precedent consent of the trustees, who may impose such conditions with respect to the gathering as they think expedient. Any person who fails to observe the terms of any such conditions commits an offence against this regulation.

(2) Any consent under this regulation shall, if practicable, be reduced to writing and signed on behalf of the trustees by any one or more of the trustees acting with the authority of the trustees.

(3) Before any such gathering is held within a reservation, the trustees shall take steps to ensure that proper precautions are or will be taken in regard to cleanliness, ventilation, prevention of overcrowding of residents, the proper care of all cooking houses and other places where food is to be prepared or stored, the regular removal and proper disposal of all refuse and rubbish, the adequacy of the water supply and its protection from pollution, the provision of sufficient sanitary conveniences, the keeping of all such conveniences in a clean and sanitary condition, the provision of first-aid equipment, and the prevention of fire and other hazards.

(4) The trustees shall take necessary steps to prevent any hui, meeting, tangi, or other gathering held within the reservation from being unduly prolonged if its prolongation might become a menace to health.

8. (1) The trustees may in their discretion issue permits for all or any of the matters prescribed in subclause (2) of this regulation and may charge a reasonable fee for any such permit. A permit fee may be waived or reduced in any case where the trustees consider that money is being raised for charitable or welfare purposes.

(2) The matters for which permits may be issued are—

(a) The holding of a concert or other entertainment within a reservation:

(b) The conduct within a reservation of any lawful sport or public amusement, whether temporary or regular.

(3) Any permit under this regulation may be issued subject to such conditions as the trustees think fit and necessary for the good conduct and welfare of the persons entitled to use the reservation and may be withdrawn without notice in the event of any breach of any such conditions.

(4) The permit fees receivable by the trustees under this regulation may be expended by them towards the costs of carrying out their duties and any surplus shall be spent for the benefit of the reservation and for providing amenities therefor.

9. (1) The trustees may exclude from a reservation any person who in their opinion is of drunken or dissolute habits, or is suffering or reasonably suspected to be suffering from a communicable disease, or who has previously been convicted of an offence against this regulation.

(2) Every such person shall leave the reservation when required to do so by the trustees or some person authorised by them in that behalf and shall not thereafter wilfully trespass on the reservation.

(3) Every person commits an offence against this regulation who—

(a) Is found drunk within a reservation; or

(b) Without the consent of the trustees or without having a permit under subsection (8) of section 33 of the Maori Welfare Act 1962 brings intoxicating liquor on to a reservation; or

(c) Within a reservation 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.

10. (1) Every person commits an offence against these regulations who—

(a) Without lawful excuse acts in contravention of, or fails to comply with, any provision of these regulations;

(b) Fails or refuses to comply with any direction or order lawfully given under these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £5.

11. (1) No provision of these regulations shall be deemed to derogate from or affect any provision of the Health Act 1956 or any enactment made pursuant to that Act.

(2) Nothing in the Trusts Estates Audit Regulations 1958\* shall apply to any reservation or to the trustees of a reservation.

12. The regulations dated the 7th day of July 1914 made under section 232 of the Native Land Act 1909, and published in the *Gazette* on the 9th day of July 1914, at page 2732, are hereby revoked.

T. J. SHERRARD,  
Clerk of the Executive Council.

\*S.R. 1958/71

#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

Section 439 of the Maori Affairs Act 1953 enables Maori reservations to be created for communal purposes such as village sites, meeting places, recreation grounds, sports grounds, church sites, burial grounds, etc., and enables the Maori Land Court to appoint trustees to control and administer any such reservations.

These regulations give the trustees powers of control over any such reservations and provide for penalties not exceeding £5 for breaches of the regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 December 1963.

These regulations are administered in the Department of Maori Affairs.