

1963/87



THE MAORI WELFARE REGULATIONS 1963

BERNARD FERGUSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 5th day of June 1963

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Maori Welfare Act 1962, 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 Welfare Regulations 1963.

(2) These regulations shall come into force on the 1st day of July 1963.

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

“The Act” means the Maori Welfare Act 1962:

Terms defined in the Act shall, when used in these regulations, have the meanings so defined.

3. (1) At least two weeks before the last Saturday in February in the year 1964 and at least two weeks before the corresponding day in every third year thereafter, each functioning Maori Committee shall, by public notice in a newspaper circulating in its area or in such other or additional manner as it thinks will adequately inform the Maoris in its area, call a public meeting of Maori residents for the purpose of electing members of the Committee for the ensuing three years. The notice shall state the date, time, and place of the meeting.

(2) At any such meeting any person who is a Maori, who resides in the Committee's area, and who is of the age of 21 years or upwards shall be eligible to vote.

(3) At any such meeting the chairman of the outgoing Maori Committee (if present) shall preside. If he is not present a chairman for the meeting shall be chosen by the members of the outgoing Maori Committee present or if no chairman is so chosen a chairman shall be elected by the meeting.

(4) Any person who is not a Maori may with the leave of the meeting attend and speak at the meeting but shall not be entitled to vote.

(5) Written nominations for election signed by the nominator and seconder and accepted by the nominee may be lodged with the Committee before the meeting and verbal nominations may be made and seconded at the meeting.

(6) If the number of nominations received does not exceed the number of persons required to be elected, those persons shall be declared to be elected.

(7) If more nominations are received than the number of persons required to be elected, a ballot shall be conducted amongst those present who are entitled to vote. At any such ballot no person's vote shall be counted if he votes for more than the number of persons requiring to be elected but a vote for fewer than that number shall not be invalid.

(8) Where a ballot is held, the meeting shall appoint two adult persons present to be scrutineers to check and count the votes. Unless there are insufficient other adult persons present, no person who has been nominated for election and no wife or husband of any such person shall be appointed as a scrutineer.

(9) The nominees up to the number required to be elected who receive the highest number of votes shall be deemed to be elected. If there is an equality of votes amongst a group of nominees who could not all so be declared to be elected without exceeding the number of vacancies, a further ballot shall be taken amongst the members of that group to determine which of them shall be elected, and, if the second ballot does not result in a decision, the chairman of the meeting may exercise a second or casting vote.

(10) All other questions arising at any such meeting shall be decided by a majority of the votes of those present and entitled to vote. In the event of an equality of votes the chairman of the meeting shall have a second or casting vote.

(11) Where a new Maori Committee area is constituted or where any Maori Committee has ceased to function, any Maori in the area may apply to the appropriate Maori Executive Committee or District Maori Council to call a meeting of Maori residents for the purpose of electing a Maori Committee. The Maori Executive Committee or the District Maori Council shall call a meeting as requested. The Maori Executive Committee or the District Maori Council may also of its own motion call any such meeting.

(12) In any case to which subclause (11) of this regulation applies the election shall be held as soon as practicable and the provisions of this regulation, as far as they are applicable and with the necessary modification, shall apply accordingly.

4. (1) As soon as a Maori Committee has appointed its representatives on the appropriate Maori Executive Committee in accordance with subsection (1) of section 21 of the Act, the Secretary of the Committee shall notify the Maori Executive Committee of the name and address of each such representative.

(2) As soon as a Maori Executive Committee has appointed its representative or representatives on the appropriate District Maori Council in accordance with subsection (2) of section 21 of the Act, the Secretary of the Committee shall notify the Council of the name and address of each such representative.

(3) As soon as a District Maori Council has appointed its representatives on the New Zealand Maori Council in accordance with subsection (3) of section 21 of the Act, the Secretary of the District Maori Council shall notify the New Zealand Maori Council of the name and address of each such representative.

(4) Any Maori Association may appoint one or more of its members to act as proxies for its representatives at meetings of the Maori Association to which those representatives are appointed, and the names and addresses of every such proxy shall be notified to the appropriate Maori Association.

(5) Where a representative of a Maori Association is unable to attend a meeting of the Association to which he was appointed, the appointing Association shall nominate one of the proxies appointed as aforesaid to attend the meeting and the proxy while so attending shall for all purposes be deemed to be a member of the Maori Association at the meeting of which he attends.

5. (1) Notice in writing of the date, time, and place appointed for any ordinary meeting of a Maori Association shall be given to every member in sufficient time for the notice to reach him by the ordinary course of post at least three days before the member would, using the normal means of transport, have to leave his ordinary place of residence to attend the meeting:

Provided that the initial meeting of a newly elected Maori Committee may be held immediately following or at a time arranged at the meeting of Maori residents at which it was elected.

(2) The accidental omission to give notice of a meeting to, or the non-receipt of a notice of meeting by, any member shall not invalidate the proceedings at any meeting.

(3) Notwithstanding anything in subclause (1) of this regulation, an urgent special meeting may if necessary be called by telegram or telephone but every endeavour shall be made to give the members as much notice as is reasonably possible in the circumstances.

(4) If within one hour after the time appointed for a meeting, whether by notice as aforesaid or by adjournment from a previous meeting, a quorum is not present, the members present, or if no member be present, the secretary or other officer of the Maori Association concerned, may adjourn the meeting to such time and place as is thought fit; and if the meeting is not so adjourned the notice calling it shall be deemed to have lapsed.

(5) The chairman may, with the consent of the members present, adjourn any meeting from time to time or from place to place, but, unless notice is otherwise given under subclause (1) of this regulation, no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(6) The proceedings of every meeting of every Maori Association shall be recorded in a proper minute book and the minutes of each meeting shall be submitted for confirmation at the next ordinary meeting of the Association.

6. (1) The seal of any Maori Association shall have inscribed on it in legible characters the name of the Association, but shall otherwise be in such form of circular design as may be decided by the Association.

(2) The seal shall be kept in the custody of the secretary or other person appointed for the purpose.

(3) The seal shall not be affixed to any instrument or document except by the authority of a resolution of the Maori Association concerned and in the presence of two members thereof, and they shall sign every instrument or document to which the seal has been so affixed in their presence.

7. (1) Each Maori Association may from time to time appoint such officers as it may need to carry out its functions, including a secretary and a treasurer or a secretary-treasurer.

(2) Every appointment under subclause (1) of this regulation and every change in the holders of any such offices shall in the case of District Maori Councils and the New Zealand Maori Council be notified to the Secretary for Maori Affairs. Any officer appointed under this regulation need not necessarily be a member of the Association which appoints him.

(3) The officers of a Maori Association shall have all such powers and duties as the Association shall from time to time determine, subject to the provisions of the Act, and shall at all times conform to the directions of the Association.

(4) Subject to subclause (1) of this regulation, any officer appointed by a Maori Association may be dismissed from that office and another person appointed in his stead.

(5) The secretary and other officers of a Maori Association may be paid such remuneration or travelling or other expenses out of the funds of the Association concerned as it may from time to time determine.

(6) Any member of a Maori Association who is required to travel more than five miles for the purpose of attending any meeting of the Association or on the business of the Association may be paid such remuneration or travelling allowances or other expenses out of the funds of that Association as it may from time to time determine:

Provided that the rates and conditions of such payments shall not in any case be more favourable to the member than the corresponding rates and conditions for the time being approved under the Fees and Travelling Allowances Act 1951.

8. (1) Where in the opinion of a Maori Committee there is prima facie evidence of the commission of an offence by a Maori under sections 30, 32, 33, or 35 of the Act and the Committee decides to deal with the matter otherwise than under the Summary Proceedings Act 1957, the procedure under this regulation shall apply.

(2) The Committee shall serve or cause to be served upon the person concerned either personally or by prepaid registered post a notice of charge worded in accordance with the form in the Schedule hereto or to the like effect.

(3) The notice of charge shall appoint a reasonably convenient time and place for the hearing of the charge before not fewer than three members of the Maori Committee, the time appointed being not earlier than seven days after the date of service of the notice or the date on which the notice if served by registered post would have been delivered in the ordinary course of post.

(4) At the hearing of the charge the person charged shall be entitled to be heard and, if he wishes, to be represented, but, if he fails to appear at the time and place appointed, the charge may be adjudicated upon in his absence:

Provided that no penalty shall be imposed unless the members of the Maori Committee are satisfied that the charge has been sufficiently proved.

(5) All evidence given before the members of the Committee shall be given on oath, and, for that purpose, the members of the Committee hearing the charge shall be deemed to be persons acting judicially within the meaning of the Oaths and Declarations Act 1957.

(6) Unless the person charged admits the charge, the procedure at the hearing shall as far as practicable be arranged in the following sequence:

(a) The charge shall be read out:

(b) The person prosecuting the charge shall open his case and lead whatever evidence he can produce in support of the charge:

(c) The person charged or his representative may cross-examine each witness after he has given his evidence, and the person leading the evidence may re-examine the witness on any matters raised on the cross-examination:

(d) The person charged may, if he wishes, call evidence or give evidence himself, with similar rights of cross-examination by the person prosecuting the charge and of re-examination by the person charged:

(e) The final addresses and submissions. If the person charged has called or given evidence, he or his representative shall be heard first, but if he has not called or given evidence the person prosecuting the charge shall be heard first:

(f) Deliberation and adjudication by the members of the Committee.

(7) No penalty imposed at a hearing under this regulation shall exceed £10:

Provided that if the members of the Committee are not unanimous in their finding, the majority of them may impose a penalty not exceeding £5.

(8) If a penalty is imposed in the absence of the person charged, advice of the imposition of the penalty shall be posted to him by prepaid registered post not later than the next working day following the date of the hearing.

(9) If a penalty imposed under this regulation is not paid within fourteen days after the imposition thereof, a copy of the notice of charge with a certificate as to the penalty imposed upon the adjudication thereof, signed by the members of the Maori Committee who adjudicated thereon, may be transmitted to the appropriate office of the Magistrate's Court for the district.

9. (1) The books of account required to be kept in accordance with section 28 of the Act shall consist of suitable stiff covered books with the name of the Maori Association concerned legibly inscribed on the cover or the spine of the books.

(2) Every Maori Association shall keep at least a cash book and a receipt book.

(3) Every Maori Association shall issue receipts for all money received and shall obtain receipts for all money paid. No money shall be paid except as authorised by the Maori Association concerned.

(4) Unless the Secretary for Maori Affairs otherwise directs in any case, the accounts may be kept by the single entry system.

(5) The vouchers, invoices, receipt copies, and other records relating to the accounts for any financial year shall be retained for a period of six years after the close of that financial year.

10. (1) Applications for subsidy shall be submitted to the Secretary for Maori Affairs on form M.A. 611 and shall be accompanied by a copy of such accounts or auditors' certificates or other particulars as the Secretary for Maori Affairs may require for the purpose of checking the application before its submission to the Minister.

(2) The subsidy or subsidies payable in respect of any one project shall not amount in the aggregate to more than £6,000, but may be fixed at any lower figure in the discretion of the Minister.

(3) The rate of subsidy which may be approved in respect of any one project may be up to half of the total expenditure on the project where any such total expenditure does not exceed £8,000 and where the total expenditure exceeds £8,000 an additional subsidy may be approved of up to one-third of the amount by which the total expenditure exceeds £8,000 but does not exceed £14,000.

11. (1) Maori Wardens shall exercise in their respective areas the powers and functions laid down in the Act.

(2) In carrying out their functions Maori Wardens shall work in close association with the Maori Committees and Maori Executive Committees and any subcommittees thereof having jurisdiction in their areas and shall assist any such Committees and their officers to the best of their ability.

(3) Maori Wardens shall also maintain close association with the Police and traffic officers having jurisdiction in their areas so as to ensure the maximum cooperation with all such officers.

(4) Maori Wardens shall endeavour to promote respect amongst Maori people for the standards of the community and to take appropriate steps where possible to prevent any threatened breach of law and order.

12. Any notice, summons, suit, or other document required to be served on a Maori Association may be served by being left with the chairman or secretary of that body or by being sent through the post by prepaid registered letter addressed to the chairman or secretary at his last known address, and any notice, summons, suit, or other document so posted shall be deemed to have been served on the day next following that on which it would be delivered in the ordinary course of post.

13. The Maori Tribal Organisations Regulations 1948* are hereby revoked.

SCHEDULE

NOTICE OF CHARGE

In the matter of the Maori Welfare Act 1962

To: [Full name].
 [Occupation].
 [Full postal address].

1. You are hereby summoned to attend a meeting of representatives of the Maori Committee to be held at [Name of building, full address] at a.m./p.m. on the day of 19..... to answer a charge against you that you have committed an offence under section of the Maori Welfare Act 1962 which provides as follows:

(Here set out the text of the section to which the charge relates.)

2. The act or acts of commission or of omission with which you are charged is/are as follows:

(Here set out particulars in sufficient detail to enable the person charged to know precisely what he is called upon to answer.)

3. You are entitled to appear in person or to be represented at the hearing and to cross-examine the witnesses called in support of the charge and to call evidence on your own behalf. You are also entitled to make submissions on your own behalf after the evidence has been heard.

4. If you fail to appear at the time and place appointed for the hearing, the representatives of the Committee may adjudicate upon the matter in your absence. If you wish to admit the charge without appearing you may give notice accordingly to the Committee in writing together with any explanation you may wish to make.

5. If a penalty is imposed upon you for the offence complained of the amount of the penalty must be paid to the Maori Committee within fourteen days of the date of the hearing. If it is not then paid a certificate of the imposition of the penalty will be filed in the Magistrate's Court and enforced in the same way as a judgment for debt is enforced in that Court, unless you defend the proceedings for enforcement in the Magistrate's Court, in which case the Magistrate will rehear the charge.

Dated at this day of 19.....

.....
 Chairman/Secretary,
 Maori Committee.

This notice is served upon you by the Maori Committee whose address for service is at [Set out full address].

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

EXPLANATORY NOTE

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

These regulations prescribe rules and procedures relating to Maori Committees, Maori Executive Committees, District Maori Councils, and the New Zealand Maori Council and certain officials appointed under the Maori Welfare Act 1962.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 6 June 1963.

These regulations are administered in the Department of Maori Affairs.