

Maori Community Development Act 1962

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This Act is administered by Te Puni Kokiri

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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

1 Short Title and commencement

- (1) This Act may be cited as the Maori Community Development Act 1962.
- (2) This Act shall come into force on the 1st day of January 1963.

In subsection (1), in the Short Title of the Maori Community Development Act 1962, the words “Community Development” were substituted for the word “Welfare” by section 19(2) Maori Purposes Act 1979.

2 Interpretation

In this Act, unless the context otherwise requires,—

Chief executive means the chief executive of the Ministry of Maori Development

Chief executive was inserted, as from 1 January 1992, by section 9(1) Ministry of Maori Development Act 1991 (1991 No 145).

General Manager *[Repealed]*

General Manager: this definition was inserted, as from 1 October 1989, by section 10 Maori Affairs Restructuring Act 1989 (1989 No 68).

General Manager: this definition was repealed, as from 1 January 1992, by section 9(1) Ministry of Maori Development Act 1991 (1991 No 145).

[Repealed]

Maori means a person of the Maori race of New Zealand; and includes any descendant of such a person

Maori: this definition was substituted by section 7 Maori Purposes Act 1974.

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

Maori Warden means a person appointed a Maori Warden under this Act

Meeting place means any church, meeting house, hall, dining hall, kitchen, or other building (other than a private dwellinghouse) owned or controlled by Maoris or trustees for Maoris and used as a meeting place for Maoris and includes any land attached or appurtenant to and commonly used in connection with any such building

Meeting place: the words “owned or controlled by Maoris or trustees for Maoris and” were inserted by section 8 Maori Purposes Act 1967.

Minister means the Minister of Maori Affairs

Secretary*[Repealed]*

Secretary: this definition was substituted by section 5(1) Maori Affairs Amendment Act 1974.

Secretary: this definition was repealed, as from 1 October 1989, by section 10 Maori Affairs Restructuring Act 1989 (1989 No 68).

[Repealed]

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

Administration**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 Community Officers

For the purposes of this Act there shall be appointed under the *State Sector Act 1988* as officers of the Public Service (whether as permanent or temporary officers) and as officers of the Ministry of Maori Development, such Community Officers as may be necessary.

Section 4 was amended, as from 1 January 1992, by section 9(1) Ministry of Maori Development Act 1991 (1991 No 145).

The words “Community Officers” were substituted for the words “Welfare Officers” by section 8(1) of the Maori Purposes Act 1974.

5 Honorary Community Officers*[Repealed]*

In subsection (1) the words “Community Officers” were substituted for the words “Welfare Officers” by section 8(1) of the Maori Purposes Act 1974.

Subsection (3) Proviso and (4) were amended, as from 1 January 1992, by section 9(1) Ministry of Maori Development Act 1991 (1991 No 145).

Subsection (4) the words “Community Officer” were substituted, in 2 places, for the words “Welfare Officer” by section 8(2) of the Maori Purposes Act 1974.

This section was repealed, as from 24 June 1996, by section 2 Maori Community Development Amendment Act 1996 (1996 No 33).

6 Functions of Community Officers

- (1) The general functions of Community Officers shall be, under the control of the chief executive, 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 employment.

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

Subsection (1) was amended, as from 1 January 1992, by section 9(1) Ministry of Maori Development Act 1991 (1991 No 145) by substituting the words “chief executive” for the words “General Manager”.

In subsections (1) and (2) the words “Community Officers” were substituted for the words “Welfare Officers” by section 1 of the Maori Purposes Act 1974.

7 Maori Wardens

- (1) For the purposes of this Act the Minister may from time to time appoint in respect of any Maori Council District one or more Maori Wardens to carry out duties in that district.
- (2) No person shall be appointed or reappointed a Maori Warden in respect of any Maori Council District unless he is residing in that district and has been nominated for appointment or reappointment by the District Maori Council for that district.
- (3) Every Maori Warden shall be appointed for a term of 3 years, but may from time to time be reappointed. The chief executive shall have power to reappoint any person as a Maori Warden in respect of any Maori Council District in accordance with a recommendation to that effect by the District Maori Council for that district.
- (4) The Minister may at any time, on the recommendation of the District Maori Council concerned, cancel the appointment of a Maori Warden, and a Maori Warden may at any time resign his office by writing addressed to the Minister. Before recommending that a Warden’s appointment be cancelled, a District Maori Council shall notify the Warden of its intention to do so and shall give him an opportunity to appear in person before the Council to oppose the recommendation. A District Maori Council may suspend a Maori Warden from duty where it intends to recommend the cancellation of his appointment.
- (5) Every Maori Warden shall have the powers conferred on him by this Act or by regulations made under this Act, and shall

exercise those powers under the control and supervision and subject to any express directions of the District Maori Council or of any Maori Association to which the Council may delegate its powers pursuant to section 16(6) of this Act.

- (6) Subject to any regulations made 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.

This section was substituted by section 14(1) of the Maori Purposes Act 1975.

Subsection (2): The words in double square brackets were substituted for the words “a Maori residing in that district who” by section 9 of the Maori Purposes Act 1981.

Subsection (3) was amended, as from 1 January 1992, by section 9(1) Ministry of Maori Development Act 1991 (1991 No 145).

Maori committees

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.
- (2) A District Maori Council may, by resolution, alter the boundaries of any Maori Committee area, or amalgamate 2 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.
- (4) Every resolution under this section shall be notified to the Maori Committee concerned and to the chief executive.

Section 8(4) was amended, as from 1 January 1992, by section 9(1) Ministry of Maori Development Act 1991 (1991 No 145).

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 7 members elected in accordance with this Act:
Provided that in any case where a District Maori Council considers it desirable to do so, it may by resolution increase the number of members to be elected to any Maori Committee in the district of the Council to such number as it thinks fit.
- (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 2 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.

In subsection (2) the proviso was added by section 3 of the Maori Community Development Amendment Act 1963.

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.

10A Direct representation of Maori Committee on District Maori Council

- (1) A District Maori Council may at any time, by resolution, determine that a designated Maori Committee shall have direct representation to the District Maori Council and shall, in such case, fix the manner and extent of the representation. Any such Maori Committee shall thereupon be subject in all things to the control of the District Maori Council as if the Council were a Maori Executive Committee, and the Council shall have such of the powers of a Maori Executive Committee as the Council determines.
- (2) A determination under subsection (1) of this section may at any time in like manner be varied or revoked.

Section 10A was inserted by section 9 of the Maori Purposes Act 1971.

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 2 or more Maori Executive Committee areas, or constitute a new Maori Executive Committee area, within the district of the Council.
- (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 chief executive.

Section 11(4) was amended, as from 1 January 1992, by section 9(1) Ministry of Maori Development Act 1991 (1991 No 145).

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.
- (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.
- (3) Where there are less than 4 Maori Committees in a Maori Executive Committee area, the number of members appointed as aforesaid shall be 3 for each Maori Committee and, in any other case, the number of members appointed shall be 2 for each Maori Committee.
- (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.
- (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.
- (6) Notwithstanding the provisions of subsection (3) of this section, where 2 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.

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.
- (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 District Maori Council.

District Maori Councils**14 Maori Council districts**

- (1) The New Zealand Maori Council may at any time by resolution declare any specified part of New Zealand to be a Maori Council District for the purposes of this Act and may assign a name by which the District shall be 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.
- (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.
- (4) The New Zealand Maori Council may at any time by resolution alter the boundaries of any Maori Council district or amalgamate 2 or more districts or constitute a new district over part of an existing district, and may at the same time amend the name of any district or assign a new name thereto.

Subsection (1) was substituted by section 10(1) of the Maori Purposes Act 1971.

Subsection (4) was substituted by section 10(2) of the Maori Purposes Act 1971.

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.

- (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 2 members to the District Maori Council:
Provided that if the number of Maori Executive Committees in any Maori Council district is less than 5, each of those Committees may appoint 3 members to the Council.
- (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.

Subsection (3) proviso was substituted by section 4 Maori Community Development Amendment Act 1963.

15A District Maori Councils may recognise Maori societies

- (1) For the purposes of this section, the term **Maori society** means any club, board, society, committee, or other group or body of Maoris, whether incorporated or not, which in the opinion of the District Maori Council is comprised of members of, or democratically represents, or is involved with, any Maori tribe, sub-tribe, community, marae, religious congregation, school or other teaching institution, or has as members a significant number of Maori people having some common interest or interests.
- (2) A District Maori Council may from time to time in its absolute discretion determine that any Maori society within its district be recognised as having the status of a Maori Committee, with the right to appoint members to the District Maori Council, and may in the same manner and in its absolute discretion at any time withdraw that recognition of any such Maori society.
- (3) Every Maori society recognised by a District Maori Council shall forthwith appoint a member to that Council, and the term of office of that member shall, unless recognition of the society is sooner withdrawn, expire with that of the other members of the Council. The Maori society shall thereafter, unless its recognition is withdrawn, appoint a member of the District

Maori Council in the same month and year as is prescribed for the appointment of members of the Council by Maori Executive Committees.

- (4) Each District Maori Council shall, at least once in every year, review the status of Maori societies to which it has granted recognition under this section.

Section 15A was inserted by section 15 of the Maori Purposes Act 1975.

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.
- (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.
- (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.
- (5) Subject to subsection (6) of this section, each District Maori Council shall have exclusive power and authority to control and supervise the activities of Maori Wardens carrying out duties within its district, and may assign to any such warden any specified duties, consistent with this Act, within the district.
- (6) Any District Maori Council may, by notice in writing to any Maori Committee or Maori Executive Committee within its district, delegate to the Committee in respect of any specified warden or wardens, the power and authority to control and supervise and to assign duties conferred on the Council by subsection (5) of this section.
- (7) Every delegation under subsection (6) of this section shall be revocable at will.

Subss (5) to (7) were added by section 13(2) of the Maori Purposes Act 1969.

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.
- (3) Each District Maori Council shall appoint 3 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.

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—
 - (a) To consider and discuss such matters as appear relevant to the social and economic advancement of the Maori race:
 - (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:
 - (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:
- (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.
- (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.
- (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

19 Elections of Maori Committees

- (1) On the last Saturday in February in the year 1964 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 7 days before the prescribed day and not later than 14 days after the prescribed day.
- (3) All Maoris of or over the age of 20 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 of or over the age of 20 years, whether or not he is a Maori, ordinarily resident in the Maori Committee area shall be eligible for election:
Provided that any person not ordinarily resident in the area shall be eligible for election if he has marae affiliations in the area; but no person shall be entitled to be a member of more than one Maori Committee at any one time.
- (5) All elections under this section shall be held in accordance with regulations under this Act.
- (6) Notwithstanding any other provision of this Act or of any regulations made under this Act, where the members of any Maori Committee (being a committee revived after being in recess) will have been in office for less than 6 months on the date fixed by this section for the election of Maori Committees, no election of members of that Committee shall be held on that date if the District Maori Council concerned has by resolution determined that no such election be held and, in such case, the members of that Committee in office on that date shall continue in office as if they had been elected on that date.

In subsections (3) and (4) the words "of or over the age of 20" were substituted for the words "over the age of 21" by section 6 of the Age of Majority Act 1970.

In subsection (4) the proviso was added by section 5 of the Maori Community Development Amendment Act 1963.

Subs (6) was added by section 11 of the Maori Purposes Act 1971.

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.

- (2) Subject to the provisions of this Act, the term of office of every member of a Maori Executive Committee shall expire with the 31st day of March in each year in which a triennial election is held.
- (3) Subject to the provisions of this Act, the term of office of every member of a District Maori Council shall expire with the 30th day of April in each year when a triennial election is held.
- (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 31st day of May in each year when a triennial election is held.

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 Committee 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 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 Maori Council.
- (4) Notice of all appointments under this section shall be given to the secretary of the New Zealand Maori Council who shall compile and keep a list of the members of the various Maori Associations. Any such list shall be available for inspection at any reasonable time.
- (5) Any member appointed to a Maori Executive Committee 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 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 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 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.

Subsection (4) was substituted by section 6 of the Maori Community Development Amendment Act 1963.

22 Vacancies in membership

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

- (a) Any member of a Maori Association may be removed from office by the Association of which he is a member for inability to perform the functions of the office, neglect of duty, or misconduct proved to the satisfaction of the Association, or he may resign his office by notice in writing to the Association of which he is a member:
Provided that any person removed from office under this paragraph may appeal to the New Zealand Maori Council which may confirm or reverse the decision:
- (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:
- (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:
- (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.

Section 22(a) was amended, as from 1 January 2002, by section 70(1) Human Rights Amendment Act 2001 (2001 No 96), by substituting the words “inability to perform the functions of the office” for the word “disability”.

23 Meetings

With respect to meetings of Maori Associations, the following provisions shall apply:

- (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:
- (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:
- (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:
- (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 expenditure by a Maori Committee or a Maori Executive Committee may, with the approval of the Minister, be subsidised out of money appropriated by Parliament for the purpose at a rate not exceeding \$2 for \$2.
- (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.
- (3) There shall be paid each year to the New Zealand Maori Council out of money appropriated by Parliament for the purpose such sum as is approved by the Minister.

Subs (3) was added by section 18 of the Maori Purposes Act 1970.

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.

27 Money to be paid into bank

With respect to all money received by a Maori Association, the following provisions shall apply:

- (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:
- (b) No money shall be drawn from any such bank except by cheque or withdrawal form signed by 2 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.

28 Books of account

With respect to the books of account of Maori Associations, the following provisions shall apply:

- (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:
- (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 chief executive:

- (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:
- (e) Every such statement shall be audited by a chartered accountant (within the meaning of section 19 of the Institute of Chartered Accountants of New Zealand Act 1996) appointed by the Maori Association concerned or by some other person approved in that behalf by the chief executive:
- (f) The New Zealand Maori Council and each District Maori Council shall submit a copy of its audited statement to the chief executive 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.

Section 28(c), (e) and (f) was amended, as from 1 January 1992, by section 9(1) Ministry of Maori Development Act 1991 (1991 No 145).

Section 28(e): The reference to a registered public accountant is now obsolete, see sections 2(2) and 18(3) of the New Zealand Society of Accountants Amendment Act 1968.

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 chief executive.
- (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 chief executive.
- (3) Any notification under subsection (1) or subsection (2) of this section shall be published in the *Gazette* by the chief executive.
- (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.

- (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.

Subsections (1), (2), and (3) were amended, as from 1 January 1992, by section 9(1) Ministry of Maori Development Act 1991 (1991 No 145).

Prevention of unruly behaviour

30 Prevention of riotous behaviour

- (1) Any Maori who—
- (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
 - (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—
- 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.

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.

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.
- (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.

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.
- (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 section 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 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.
- (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.

- (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.
- (10) In subsection (6)(a), **medical practitioner** means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine.

Subsection (6)(a) was amended, as from 18 September 2004, by section 175(1) Health Practitioners Competence Assurance Act 2003 (2003 No 48) by omitting the word “registered”. See sections 178 to 227 of that Act as to the transitional provisions.

In subsection (9), section 59 of the Statutes Amendment Act 1939 was repealed, as from 1 June 1963, by section 301(1) of the Sale of Liquor Act 1962.

Subsection (10) was inserted, as from 18 September 2004, by section 175(1) Health Practitioners Competence Assurance Act 2003 (2003 No 48). See sections 178 to 227 of that Act as to the transitional provisions.

34 Prohibition orders against Maoris

[Repealed]

Section 34 was repealed, as from 1 April 1990, by section 230(1) Sale of Liquor Act 1989 (1989 No 63).

In subsections (1), (2), and (3), Part 11 of the Sale of Liquor Act 1962 were substituted for the repealed Part 6 of the Licensing Act 1908.

In subsection (2)(d) the words “Community Officer” were substituted for the words “Welfare Officer” by section 8(2) Maori Purposes Act 1974.

Subsection (2)(e) was substituted by section 24 Department of Social Welfare Act 1971. See SR 1972/37.

In subsection (2)(g), Part 2 of the Education Act 1964 was substituted for Part 4 of the repealed Education Act 1914.

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 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
 - (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 other than Maoris where any such person is in charge of a motor vehicle in or in the vicinity of a 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 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 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 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, impose on the offender a penalty in respect thereof of such amount as it thinks fit, not exceeding \$20:

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 and the nature of the charge against him.

- (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.
- (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:
- 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 District Court as a debt due to the 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.
- (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.
- (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:
- Provided that there shall be deducted from the amount of any such penalty and credited to the Ordinary Revenue Account of the Consolidated Account an amount equal to 5 percent of the penalty.

In subsection (4) the reference to the District Court was substituted for a reference to the Magistrate's Court by section 18(2) of the District Courts Amendment Act 1979.

In subsection (6), in the proviso, the reference to the Consolidated Account was substituted for a reference to the Consolidated Revenue Account (as substituted for a reference to the Consolidated Fund by section 4(4) of the Public Revenues Amendment Act 1963) by section 114(6) of the Public Finance Act 1977.

Miscellaneous provisions

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.

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.
- (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 2 members of the Association on behalf of and by direction of the Association.
- (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 \$40.
- (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.

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 2 members thereof on behalf of and by direction of the Association and shall be sealed with 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 acquire any land or interest in land, whether by way of purchase, lease, or otherwise, for any communal purposes, and may sell, lease, sublease, mortgage, or otherwise dispose of any such land or interest so acquired.

The words “with the precedent consent of the Minister” were omitted, as indicated by the first set of points of omission, by section 8(a) of the Maori Community Development Amendment Act 1963, and the words “with the like consent” were omitted, as indicated by the second set of points of omission, by section 8(b) of that Act.

40A Property of former Maori Tribal Committees and Maori Tribal Executive Committees

- (1) All the real and personal property which was on the 1st day of January 1963 vested in any Maori Tribal Committee or in any Maori Tribal Executive Committee shall as from that date, without the necessity of any instrument of transfer or other assurance, be transferred to and vest in the corresponding Maori Committee or Maori Executive Committee under this Act.
- (2) Where any property transferred as aforesaid consists of land or any interest in land, or of any mortgage or encumbrance of land, any security over stock or chattels, any lien, bonds, stocks, shares, debentures, or any like security, it shall be the duty of every Registrar of Deeds, District Land Registrar, Registrar of the High Court, or other person charged with the duty of keeping any register, on the application of the Maori Association in which such property is so vested, and without the payment of any fee, to register that Maori Association in

the appropriate register or registers as the owner, mortgagee, encumbrancer, or grantee as the case may require and to do all such other things as may be necessary to give effect to this section.

Section 40A was inserted by section 12 of the Maori Purposes Act 1965.

In subsection (2) the reference to the High Court was substituted for a reference to the Supreme Court by section 12 of the Judicature Amendment Act 1979.

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.

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 \$40.

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:
 - (b) Prescribing procedures at meetings of Maori Associations:
 - (c) Providing for the method of appointment of members and officers of Maori Committees, Maori Executive Committees, and District Maori Councils to the appropriate Maori Association under this Act:
 - (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.
- (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 to this Act are hereby repealed.

Schedule **Enactments repealed**

Section 44

- 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 2. (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.