

New Zealand.



ANALYSIS.

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AMD. 19

No. 1.

1934-35, No. 44.

AN ACT to establish a Board of Native Affairs and to provide for the Setting-up of District Native Committees. Title.
[5th April, 1935.]

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

1. This Act may be cited as the Board of Native Affairs Act, 1934-35. Short Title.

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

“ District committee ” means a district Native committee appointed under this Act :

“ Native ” means a person belonging to the aboriginal race of New Zealand, and includes a person descended from a Native.

Board of
Native Affairs
established.

3. (1) There shall be a Board of Native Affairs, consisting of—

- (a) The Native Minister, who shall be the Chairman of the Board :
- (b) The Under-Secretary of the Native Department :
- (c) The Financial Adviser to the Government :
- (d) The Under-Secretary for Lands :
- (e) The Valuer-General :
- (f) The Director-General of Agriculture :
- (g) Three other persons to be appointed by the Governor-General in Council.

(2) Every appointed member of the Board of Native Affairs shall be appointed for a term of three years, and shall be eligible for reappointment.

(3) An appointed member may at any time be removed from office by the Governor-General in Council, and in such case, or in case of his death or resignation, his office shall become vacant, and such vacancy shall be filled by the appointment by the Governor-General in Council of a fit person to hold office for the unexpired portion of the term for which the person vacating office was appointed.

(4) The powers of the Board of Native Affairs shall not be affected by any vacancy in the membership thereof.

Members of
Board of Native
Affairs not
personally liable.

4. No member of the Board of Native Affairs shall be personally liable for any act done or omitted by the Board or by any member thereof in good faith in pursuance or intended pursuance of the powers and authority of the Board.

Meetings of
Board of Native
Affairs.

5. (1) Meetings of the Board of Native Affairs shall be held at such times and places as the Board or the Chairman from time to time determines. No decision of the Board of Native Affairs shall be given otherwise than by resolution passed at a meeting of that Board.

(2) The Chairman shall preside at all meetings of the Board of Native Affairs at which he is present. In the absence of the Chairman from any meeting of the Board the Under-Secretary of the Native Department shall be the Chairman for the purposes of that meeting. In the absence both of the Chairman and of the Under-Secretary of the Native Department the members present shall appoint one of their number to be the Chairman for the purposes of that meeting.

REFER 19
No. 2.

(3) At all meetings of the Board of Native Affairs five members shall form a quorum.

(4) In the absence from any meeting of the Board of Native Affairs of any member being an officer of any Department of the Public Service, he may authorize any other officer of that Department to attend such meeting in his stead. While any person is attending any meeting of the Board of Native Affairs pursuant to this subsection he shall be deemed for all purposes to be a member of the Board.

(5) At any meeting of the Board of Native Affairs the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(6) Subject to the provisions of this Act and of any regulations made thereunder, the Board of Native Affairs may regulate its procedure in such manner as it thinks fit.

6. The Board of Native Affairs shall at all times cause proper minute-books to be kept, in which shall be entered minutes of all the proceedings at each meeting of the Board, with proper details of the business transacted thereat. Minute-books.

7. (1) It shall be the duty of the Board of Native Affairs to exercise control over— Functions of Board of Native Affairs.

(a) The investment on mortgage or otherwise of moneys available for investment in the Native Trustee's Account, or in the account of a Maori Land Board, or of any moneys appropriated by Parliament for the purpose of advances to Natives, including the approval of the securities upon which any such moneys are invested, and the management of all such investments made or agreed to by the Native Trustee or a Maori Land Board, whether before or after the passing of this Act : REFER 19 No.
REFER 19 No.

(b) The expenditure on all farming operations undertaken or approved by the Native Trustee, or a Maori Land Board, either before or after the passing of this Act, and over the development of any land and the management of any scheme or undertaking in connection with which any such expenditure has been made or incurred either before or after the passing of this Act :

(c) The operations of the East Coast Commissioner only in so far as such operations relate to the expenditure or investment of any moneys, or to the giving of mortgages over any property vested in him :

(d) The apportionment of the services of supervisors or managers in respect of such farming operations, and the allocation to the Native Trustee, the East Coast Commissioner, or any Maori Land Board of a portion of the cost of the services of any such supervisor or manager, according to the benefit derived in the opinion of the Board of Native Affairs by any such person from such services, all amounts so allocated to any such person to be paid by that person accordingly.

(2) The powers exercisable by a Maori Land Board under section five hundred and twenty-three or section five hundred and twenty-four of the Native Land Act, 1931, shall be exercisable only under the direction of and with the consent of the Board of Native Affairs.

(3) The powers exercisable by the Native Trustee under section one hundred and fourteen of the Native Purposes Act, 1931, shall, except in respect of the lands referred to in section sixty-four of that Act, be exercisable only under the direction of and with the consent of the Board of Native Affairs.

(4) The Board of Native Affairs shall have all such powers as are reasonably necessary for the effective performance of the duties and functions conferred upon it by this Act or otherwise.

8. (1) The Governor-General in Council may from time to time appoint such number of district committees as he thinks fit. Every such committee shall be called "The District Native Committee", and shall consist of three members, of whom one shall be a Judge of the Native Land Court (who shall be the Chairman) and the others shall be persons who have had practical experience in farming. All the members of the committee shall hold office for a term of three years from their respective appointments and shall be eligible for reappointment.

See Reprint
of Statutes
Vol. VI, p. 419

District Native
committees.

(2) Subject to the next succeeding subsection, the powers of a district committee shall not be affected by any vacancy in the membership thereof.

(3) Meetings of a district committee shall be held at such times as the Board of Native Affairs or the Chairman of the committee determines. No power conferred on the committee shall be exercised otherwise than pursuant to a resolution passed at such a meeting and concurred in by at least two members.

(4) Every district committee shall at all times cause proper minute-books to be kept in which shall be entered minutes of all the proceedings at each meeting of the committee, with proper details of the business transacted thereat.

(5) No member of a district committee shall be personally liable for any act done or omitted by the committee or by any member thereof in good faith in pursuance or intended pursuance of the powers and authority of the committee.

(6) Every member of a district committee, not being a person permanently employed in the service of the Crown, shall be entitled to receive out of moneys appropriated by Parliament for the purpose such allowances and travelling-expenses as may be approved by the Board of Native Affairs in respect of his attendance at meetings of the committee and in transacting the business thereof.

9. (1) The functions of a district committee shall be to exercise, subject to the control of the Board of Native Affairs, such powers and duties as may be lawfully delegated to it by the Board, and also, as and whenever required by the Board so to do, to inquire into such matters as may be submitted to it, and to report thereon with such recommendation (if any) as it thinks proper.

Functions of district committees.

(2) The Board of Native Affairs may refer to a district committee any matters for consideration, inquiry, management, or regulation; and, subject to and within the limits prescribed by regulations in that behalf, may delegate to any such committee any of the powers or duties of the Board.

Board of Native Affairs may delegate powers to district committees.

10. The Governor-General may from time to time, by Order in Council, make regulations prescribing all matters for which regulations may be contemplated by this Act, or which he may deem necessary or expedient for the purpose of giving full effect to the provisions of this Act.

Regulations.

Repeals.

11. (1) Section seventeen of the Native Land Amendment Act, 1932, subsections two, three, and four of section six of the Native Purposes Act, 1933, and subsection two of section five hundred and twenty-two of the Native Land Act, 1931, are hereby repealed.

Abolition of
Native Land
Settlement
Board.

(2) The Native Land Settlement Board is hereby abolished.

(3) All references in any Act in force on the commencement of this Act to the Native Land Settlement Board shall hereafter be read as references to the Board of Native Affairs.

Savings.

(4) All acts of authority lawfully done by the Native Land Settlement Board and subsisting or in force on the commencement of this Act shall enure for the purposes of this Act as if they had been lawfully done by the Board of Native Affairs, and accordingly shall, where necessary, be deemed to have been so done.