

## New Zealand.



### ANALYSIS.

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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> <li>3. Governor may proclaim districts.</li> <li>4. Stipendiary Magistrate to be Returning Officer.</li> <li>5. Mode of election.</li> <li>6. Constitution of Council.</li> <li>7. Notification of Council elected.</li> <li>8. Stipendiary Magistrate may be "official member."</li> <li>9. Provisions as to constitution of Councils. (1.) Qualification of members. (2.) Resignation. (3.) Vacancy through crime. (4.) Vacancy through absence. (5.) Term of office. Vacancies. (6.) Governor may dissolve Council. (7.) Governor may appoint Advisory Councillor.</li> <li>10. Procedure at meetings. (1.) Native Minister shall convene first meeting. (2.) Declaration by member. (3.) Election of Chairman. (4.) Quorum. (5.) Chairman shall preside. (6.) Questions to be decided by open voting. (7.) Minutes to be kept. (8.) Confirmation of minutes.</li> <li>11. The Governor may frame regulations.</li> <li>12. Council shall have seal.</li> </ol> | <ol style="list-style-type: none"> <li>13. Remuneration of Chairman and members of the Council.</li> <li>14. Payment of salaries or expenses.</li> <li>15. Duties of the Council.</li> <li>16. Powers of the Council. (1.) Health. (2.) Cleansing of houses. (3.) Common nuisances. (4.) Drunkenness. (5.) Tohungas. (6.) Meeting-houses. (7.) Dogs. (8.) Branding of cattle, &amp;c. (9.) Eel-weirs. (10.) Oyster-beds, &amp;c. (11.) Burial-grounds. (12.) Recreation-grounds. (13.) Hawkers. (14.) Smoking. (15.) Gambling. (16.) Water-supplies. (17.) Sanitation. (18.) Diseases of animals. (19.) Fines. General proviso.</li> <li>17. Council to appoint Village Committees (Komitī Marae).</li> <li>18. Councils to be Boards of Health.</li> <li>19. Subsidy towards works.</li> <li>20. Council may appoint Registrar of Births, &amp;c.</li> <li>21. Maori marriage not affected.</li> <li>22. Maintenance of illegitimate children.</li> <li>23. Prevention of noxious weeds.</li> <li>24. Council may strike rates.</li> <li>25. Enforcement of fines.</li> <li>26. Moneys to be deposited in bank.</li> <li>27. Application of moneys.</li> <li>28. Council shall keep accounts.</li> <li>29. General Conference.</li> </ol> |
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### 1900, No. 48.

Title.

AN ACT to confer a Limited Measure of Local Self-government upon Her Majesty's Subjects of the Maori Race in the Colony. [18th October, 1900.]

Preamble.

WHEREAS reiterated applications have been made by the Maori inhabitants of those parts of the colony where the Maoris are more or less domiciled and settled, forming what is known as Maori centres and surroundings, for the establishment within those districts of some simple machinery of local self-government, by means of which such Maori inhabitants may be enabled to frame for themselves such rules and regulations on matters of local concernment or relating to their social economy as may appear best adapted to their own special wants: And whereas it would conduce to the higher civilisation and contentment of the Maoris themselves if they were authorised and encouraged in such laudable desires: And whereas, in furtherance of these objects, it is expedient to make

provision for the establishment of local elective bodies of Maoris within such districts for the purposes aforesaid, and to invest those bodies with the powers of carrying out such rules and regulations as may be prescribed, and of enabling them to frame necessary by-laws, and to give effect to the same :

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

1. The Short Title of this Act is “The Maori Councils Act, 1900.” Short Title.
2. “Council” means the Maori Council for any district under this Act. Interpretation.  
 “Maori” in this Act means and includes Maoris, half-castes, and their descendants by Maoris.  
 “Prescribed” means prescribed by regulations made or approved by the Governor under this Act.
3. The Governor may proclaim any district a Maori district for the purpose of this Act, and at any time may alter or revoke such Proclamation. Governor may proclaim districts.
4. In any district proclaimed a Maori district under this Act a Stipendiary Magistrate or Government Agent appointed in such Proclamation (hereinafter called “the Returning Officer”); having jurisdiction within such district, so soon as he conveniently can, shall publicly notify in populated parts of the district, by advertisement, placard, notice, or otherwise, as he shall see fit, a day, not being less than twenty-one days after the publication of such notice, upon which day a Maori Council for the district shall be elected; and in such notification shall appoint a place where nominations will be received of Maoris to be members of such Maori Council, and shall set out such instructions to persons having a right to nominate members of the Council for the district as he shall see fit. Stipendiary Magistrate to be Returning Officer.
5. Upon the day so named as aforesaid the Returning Officer shall preside between the hours of ten in the morning and four in the afternoon at the place appointed, and receive nominations in writing or verbally of one or more Maoris, not being more than twelve, to be members of the Council from persons resident within such district who are entitled to vote for a Maori member of the House of Representatives. Mode of election.
6. For every Maori district established under this Act there shall be a Council consisting of the official member and of not less than six or more than twelve members to be elected from among the Maoris of such-and-such a district as hereinafter provided; and the number of members shall be fixed by the Governor on the establishment of the district; and it shall be lawful for the Governor, by Proclamation, to subdivide any such district into convenient sections, and to appoint and declare the number of such members to be elected for each such section. Constitution of Council.
7. The twelve Maoris, or such lesser number as the Governor shall fix in manner hereinbefore provided, receiving the greater number of nominations shall be the Council for the district; and the Returning Officer, at twelve o'clock at noon the day after the nomination, shall cause a public notice to be posted up in a con-

spicuous place, in which he shall cause to be inserted the names of the members of the Council elected; he shall also forward such names to the Native Minister, who shall publish them in the *Kahiti* as the members of the Council for the district.

Stipendiary  
Magistrate may be  
"official member."

8. In every Maori district established under this Act the Stipendiary Magistrate at the chief town within such district, or such other person as the Governor may from time to time appoint, shall be *ex officio* a member of such Council, and is herein called "the official member."

Provisions as to  
constitution of  
Councils.

Qualification of  
members.

Resignation.

Vacancy through  
crime.

Vacancy through  
absence.

Term of office.

Vacancies.

9. The following provisions shall apply to the constitution of Councils:—

(1.) Any person qualified to vote at an election of members of a Council may be elected a member thereof.

(2.) Any member of the Council may resign his seat by writing to the Chairman, or verbally at a meeting of the Council.

(3.) If any member is convicted of an offence punishable by any law of the colony with imprisonment his seat shall be thereby vacated.

(4.) If any member is absent from three consecutive meetings of the Council without its leave his seat shall be vacated.

(5.) The members of a Council shall hold office for three years, unless the Council be sooner dissolved.

In the event of a vacancy in a Council, the Governor may appoint another Maori in the place of the vacating member: Provided that any member so appointed shall hold office only for the unexpired period of the term of the Council.

Until a vacancy be filled the Council shall continue to be a Council under this Act, notwithstanding that its members be reduced in number.

Governor may  
dissolve Council.

(6.) The Governor may at any time, if he shall think fit, dissolve any Council, and appoint a new election to be held.

Governor may  
appoint Advisory  
Counsellor.

(7.) The Governor may from time to time appoint a Maori chief in each district, to be called the Advisory Counsellor, who shall advise the Council or the Governor, whether so requested or not, upon all or any matters pertaining to the administration of this Act.

Procedure at  
meetings.

10. The following provisions shall be in force relating to the meetings of the Council:—

Native Minister  
shall convene first  
meeting.

(1.) The first meeting of the Council shall be convened by the Native Minister, and all subsequent meetings by the Chairman, in such manner as he shall think best.

Declaration by  
member.

(2.) No person shall be capable of acting as a member of the Council until he has made and signed in the presence of the Returning Officer or the Chairman a declaration to the following effect:—

"I, A. B., do declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute the powers and authorities vested in me as a member of the Council by virtue of 'The Maori Councils Act, 1900.'"

- (3.) At the first meeting the Council shall elect one of its members to be Chairman. Election of Chairman.
- (4.) No business shall be transacted by the Council unless a quorum is present, which shall consist of half the whole number of members when that number is even, and of a majority when that number is odd. Quorum.
- (5.) The Chairman shall, when present, preside at all meetings of the Council, and in his absence the members present shall elect some member present to be the Chairman of the meeting. Chairman shall preside.
- (6.) Every question coming before the Council shall be decided by open voting and by the majority present, and in case of an equality of votes the Chairman, or member acting as Chairman, shall have a second or casting vote. Questions to be decided by open voting.
- (7.) The Chairman shall cause minutes of the proceedings of the Council to be kept in a book, in which shall be entered the names of the members attending each meeting, and the names of the members voting on each question, with the side on which they vote respectively, when there is a division in the Council. Minutes to be kept.

In such book shall also be entered every resolution, order, or proceeding of the Board, including a notice of leave of absence given to any member.

- (8.) The minutes of proceedings of each meeting shall be read aloud at the subsequent meeting, and, if approved by the Council, the Chairman shall sign the same in the presence of the Council, and shall insert the date of his making his signature. Confirmation of minutes.

11. The Governor from time to time may frame, alter, or amend rules for the conduct of the business of the Council, or may approve of any rules submitted to him by the Council for that purpose. All such rules, alterations, or amendments shall be gazetted in the *Kahiti*, and shall thereupon come into operation. The Governor may frame regulations.

12. The Council shall have a seal, to be approved of by the Native Minister, which shall be used for the purpose of authenticating documents issued by it. Council shall have seal.

13. The Chairman and members of the Council shall be entitled to such salaries or such remuneration as and by way of reimbursement for expenses in attending meetings of the Council or otherwise as may, subject to the approval of the Governor, be fixed by the Council. Remuneration of Chairman and members of the Council.

14. All such sums to be so paid for salaries or expenses, and all other sums to be paid for expenses incurred in carrying this Act into execution, shall be paid out of the funds at the credit of the Council: Provided that any sums required for the purpose of holding an election under this Act may be advanced by the Native Minister out of any moneys available for Native purposes under "The Civil List Act, 1863," but shall be repaid by the Council as soon as may be. Payment of salaries or expenses.

15. It shall be the duty of the Council to formulate, and from time to time report to the Governor upon, a general plan that would be acceptable to the Maoris of the district, and be best adapted for the purposes following, that is to say,— Duties of the Council.

- (1.) For ascertaining, providing, and prescribing for the observance and enforcement of the rights, duties, and liabilities, amongst themselves, of tribes, communities, or individuals of the Maori race, in relation to all social and domestic matters.
- (2.) For the suppression of injurious Maori customs, and for the substitution of remedies and punishments for injuries in cases in which compensation is now sought by means of such customs.
- (3.) For the promotion of education and instruction, both ordinary and technical, and the conduct and management of Native schools.
- (4.) And generally for the promotion of the health and welfare and moral well-being of the Maori inhabitants of the district.

And it shall be the duty of the Council to collect and tabulate facts and statistics in relation to, and to report to the Governor upon, the following matters:—

- (1.) The general health of the Maori inhabitants of the district, the causes of death as far as it is possible to ascertain them;
- (2.) The movement of the population, the extent of consanguineous connections or marriages and their effect, and the extent of the absorption of the Native race by inter-marriage with Europeans;
- (3.) The number of persons engaged in industrial pursuits and the nature of such pursuits, the extent of land cultivated or under pasture, and the number and nature of stock depasturing thereon;
- (4.) And other matters that the Council may deem necessary in order that the Governor may know from time to time the condition of the Native race, the fluctuations of population, the causes of decrease of population if there is a decrease, any influences that may be at work to ameliorate the condition of the race, and the progress that may be made towards the adoption of healthier habits and pursuits.

Powers of the Council.

16. It shall be lawful for the Council of any Maori district constituted under this Act to make, and from time to time vary or revoke, by-laws respecting all or any of the matters following, that is to say,—

Health.

- (1.) For the providing for the health and personal convenience of the inhabitants of any Maori village, pa, or assemblage of houses.

Cleansing of houses.

- (2.) For enforcing the cleansing of houses and other buildings in a dirty and unwholesome state.

Common nuisances.

- (3.) For the suppression of common nuisances.

Drunkenness.

- (4.) For the prevention of drunkenness and sly-grog selling.

Tohungas.

- (5.) For regulating the proceedings of tohungas, and the punishment by fine of those (whether European or Maori) who practise upon the superstition or credulity of any Maori in connection with the treatment of any disease.

- (6.) For the protection of meeting-houses and other buildings set apart for the use of the tribes or hapus within the district. Meeting-houses.
- (7.) For the proper registration of dogs owned by Maoris, and for the suppression of the nuisance of such dogs wandering at large, and for defining the rights, duties, and liabilities of the owners of such dogs, and of all other Maoris, in relation to such dogs wandering at large. Dogs.
- In respect to all matters under this section the Council shall act subject to the provisions of "The Dog Registration Act, 1880," and for the purposes of this section the Council shall be, and shall have as far as applicable all the powers of, a "local authority" within the meaning of the said Act, and all registrations by the Council or by its authority, and all payments of taxes or fines hereunder into the Maori Councils Account as hereinafter provided, shall be deemed respectively to be registrations and payments into the District Fund within the meaning of the said Act.
- (8.) For the branding or marking of cattle, horses, and pigs in order to the proof of ownership thereof, and for the prevention of fraud in relation to the branding or marking thereof, and for the prevention of larceny of cattle, or of flesh, hides, or skins thereof; for the proper registration of all brands or marks used by Maoris; and for the prevention of trespass by cattle, horses, sheep, goats, or pigs owned by Maoris on any Maori cultivation, marae, burial-ground, or recreation-ground. Branding of cattle, &c.
- (9.) For the protection and management of eel-weirs and the regulation of their construction in such a manner that they shall not obstruct or impede navigation of rivers navigable by small steamers or boats; and the protection of any nets or eel-baskets from damage or destruction, and the protection of river-banks or river bush-scenery. Eel-weirs.
- (10.) For the control and the regulation of the management of all oyster-beds, pipi-grounds, mussel-beds, and fishing-grounds used by the Maoris or from which they procure food, and from time to time to close such grounds or to protect such grounds from becoming exhausted, and to make reserves for the protection and cultivation of such shell-fish or eels and to prevent their extermination, and to restock such grounds as are in danger of extermination or exhaustion. Oyster-beds, &c.
- (11.) For the protection and control of burial-grounds other than public cemeteries; to fence and repair fences of such burial-grounds, construct roads and paths in such grounds, plant trees or remove trees therein, and generally regulate and manage such burial-grounds. Burial-grounds.
- (12.) For the control of recreation-grounds and the admission of persons thereon and thereto, and for the regulation of athletic and other manly sports. Recreation-grounds.
- (13.) For regulating the sale within the kaingas of goods by Indian, Assyrian, and other hawkers. Hawkers.

- Smoking. (14.) For the prevention of the use of cigarettes or tobacco by children, and for fining any person found supplying them with such articles.
- Gambling. (15.) For the prevention of gambling and gaming-houses, and the regulation or suppression of disorderly houses or billiard-rooms.
- Water-supplies. (16.) For the maintenance and control of water-supplies to Maori kaingas, villages, and pas, and the protection of such supplies from pollution.
- Sanitation. (17.) For the laying-off and construction of proper systems of drainage for the sanitation of Maori kaingas, villages, or pas, and for controlling the proper cleansing and maintenance of such drains.
- Diseases of animals. (18.) For the co-operation with the Agricultural Department (and the Council shall act as agent for that department) in all matters affecting stock or affecting the diseases of stock, and to take all necessary steps to prevent or stamp out swine-fever or other diseases of domestic animals, and to report cases of such diseases to the Government Inspector of Stock.
- Fines. (19.) For fixing the amount of fines to be paid by Maoris for non-compliance with or breach of all or any of the by-laws made by the Council.

General proviso.

Provided that such rules, regulations, and by-laws made by the Council as provided in this section shall not conflict with the provisions of any other Act dealing with the same subject-matter, and shall first be submitted to the Governor for his approval, and shall not come into operation until the same shall have been approved by him and published in the *Gazette* and *Kahiti*.

Council to appoint Village Committees (Komiti Marae).

17. The Council shall have power to appoint from among the Maoris of any Maori kainga, village, or pa a Committee of not less than three or more than five, who shall be called the Village Committee (Komiti Marae), and who shall, subject to the control of the Council, order the abatement or removal of any nuisance, or the destruction of rubbish likely to prove detrimental to the Maori inhabitants of any Maori town, village, or pa; who shall enforce the proper sanitation of all whares or other buildings, and order their repair, renovation, removal, or destruction; and who shall, subject as aforesaid to the control of the Council, attend generally to the carrying-out of the by-laws in such kainga, village, or pa, and shall report to the Council any breach of the same.

Councils to be Boards of Health.

18. For the purposes of this Act and of "The Public Health Act, 1900," the Governor may, by notice in the *Gazette* and *Kahiti*, declare any Maori district hereby established to be a health district under the provisions of "The Public Health Act, 1900," and thereupon the Maori Council shall be a Health Committee, and shall have power to do such sanitary works, and make and enforce such sanitary rules and observances amongst the Maoris, as the District Health Officer may approve or the Governor by regulations prescribe.

Subsidy towards works.

19. The Native Minister may, out of any moneys available for Native purposes under "The Civil List Act, 1863," or out of any moneys voted by Parliament for the purpose, subsidise, at a rate not

exceeding one pound for one pound, all moneys raised by the Council, from the Maoris or otherwise, for the purpose of doing sanitary works and generally improving the sanitary condition.

20. The Council is hereby empowered, subject to the approval of the Native Minister, to appoint a Registrar of Births, Deaths, and Marriages, who shall record all births, deaths, and marriages, and transmit quarterly returns of such records in duplicate to the nearest European Registrar of Births, Deaths, and Marriages in manner prescribed; and such records or the quarterly returns, or a copy of the same under the hand and seal of the Registrar appointed by the Council, shall be conclusive evidence of the facts therein recorded.

Council may appoint Registrar of Births, &c.

21. Nothing contained or implied in this Act shall be deemed to prejudicially affect any marriage of a Maori to a Maori according to Maori custom or usage contracted or solemnised prior to the passing of this Act, or the rights of any issue of any such marriage.

Maori marriage not affected.

22. The Council shall, in order that provision shall be made for the proper maintenance and support of illegitimate children, or children known according to the Maori custom as *poriro*, on the discovery of the father of any such child, compel him to make such weekly payment or such other provision for the support of such child as it may deem fit, or to require security for the proper payment of such maintenance.

Maintenance of illegitimate children.

At any time when requested so to do by the Council, or when it is deemed expedient, the Governor may, as therein provided, declare that "The Destitute Persons Act, 1894," shall be brought into operation in any Maori district.

23. The Council shall control and prevent the spread of gorse, sweetbriar, or blackberry, or other noxious weeds, and shall have power to compel the destruction of such noxious weeds, and in default to employ persons to destroy the same at the cost of the owner of the land, and may recover cost of same. The Council shall also prevent any person planting or permitting such noxious weeds to grow. In respect to all matters under this section the Council shall act subject to any authority appointed under any Act of the General Assembly making provision in regard to noxious weeds.

Prevention of noxious weeds.

24. The Council may, subject to the approval of the Governor, impose a tenement-tax on houses, whares, or Native lands within the boundaries of any Maori kainga, village, or pa, and may collect the same: Provided that any Maori paying such tenement-tax as aforesaid shall be exempt from paying any local rates.

Council may strike rates.

25. In any case in which a Maori shall refuse to pay any fine imposed or inflicted in pursuance of any by-law under this Act, the Chairman of the Council is hereby empowered to proceed for the recovery of the same by civil process in the Magistrate's Court.

Enforcement of fines.

26. All rates, fines, and fees, and other moneys levied and collected by the Council shall, as and when received, be deposited to the credit of the Council at some branch or office of the bank where the Public Account of the colony is kept, in an account to be called "The Maori Council's Account," and such account shall only be operated on by cheques signed by the Chairman and countersigned by the official member.

Moneys to be deposited in bank.

Application of  
moneys.

27. All or any of such moneys at the credit of the Council as aforesaid shall be applied to or set apart for sanitary works, or such other purpose or purposes as, upon the recommendation of the Council, the Governor may from time to time approve.

Council shall keep  
accounts.

28. The Council shall keep and file all its accounts and vouchers, and shall furnish on the last day of each quarter a return showing the receipts and expenditure, and this return shall be forwarded in duplicate to the Native Minister, who may appoint some qualified person to annually audit such accounts.

General Conference.

29. A General Conference of delegates from the Councils may be held annually, at such time and place as the Governor appoints; and with respect to such Conference the following provisions shall apply :—

(1.) Each Council shall from its members select one delegate, and the Governor in Council shall appoint one of the delegates to be President of the Conference.

Provided that if the President is unable to attend any meeting of the Conference the delegates may nominate one of their number to act as President at that meeting, and on the nomination being approved by the Governor he shall act as President accordingly.

(2.) The Conference may review the rules, regulations, and by-laws for the time being in force under this Act, consider any matters affecting this Act or the welfare of the Maori race, and make such recommendations with respect thereto as it thinks fit.

(3.) The recommendations of the Conference shall be submitted to the Government, and may be laid before Parliament.

(4.) The Governor may from time to time make regulations prescribing the mode of selecting the delegates, their term of office, the mode of conducting the proceedings of the Conference, and any other matter which he deems necessary in order to give full effect to this section.