

By-law No. 1 of the Rotorua Borough Tribal Executive Under the Maori Social and Economic Advancement Act, 1945, Approved

Office of the Minister of Maori Affairs,
Wellington, 13th January, 1949.

It is hereby notified that His Excellency the Governor-General has been pleased to approve of the following by-law made by the Rotorua Borough Tribal Executive under the provisions of section thirty-four of the Maori Social and Economic Advancement Act, 1945.

W. NASH,
For the Minister of Maori Affairs.

Approved—

B. C. FREYBERG, Governor-General.
13th January, 1949.

BY-LAW NO. 1 OF THE ROTORUA BOROUGH TRIBAL EXECUTIVE UNDER THE MAORI SOCIAL AND ECONOMIC ADVANCEMENT ACT, 1945

PURSUANT to the Maori Social and Economic Advancement Act, 1945, the Rotorua Borough Tribal Executive doth hereby make the following by-law:—

INTERPRETATION AND GENERAL

1. This by-law may be referred to as the Rotorua Borough Tribal Executive By-law No. 1, 1948.

2. In this by-law, unless inconsistent with the context,—

“Act” means the Maori Social and Economic Advancement Act, 1945;

“District” means the Rotorua Borough Tribal District;

“Maori” means a person belonging to the aboriginal race of New Zealand, and includes any person descended from a Maori;

“Maori village” means a Maori village within the Rotorua Borough Tribal District which has been declared to be such pursuant to section 21 of the Maori Social and Economic Advancement Act, 1945;

“Tribal Executive” means the Rotorua Borough Tribal Executive;

Words importing singular number include the plural number, and words importing the plural number include the singular number, and words importing masculine gender include females.

3. (1) In any case in which it is provided by this by-law that an order may be made upon or notice given to any person requiring him to do or abstain from doing anything or any notice required by this by-law to be given or sent to any person, such order or notice shall be delivered to such person and may be delivered to him either personally or by sending the same to the last-known place of abode or business of such person by messenger or by post.

(2) If such person is absent from the Dominion the order or notice may be sent to his agent or attorney, instead of to such person in any manner mentioned in the last preceding subsection hereof.

(3) If such person is not known or is absent from the Dominion and has no known agent or attorney in the Dominion and the notice relates to any land or building, the order or notice addressed to the owner or occupier of such building or land, as the case may require, may be served on the occupier thereof or left with some inmate of his abode; or, if there be no occupier, may be put on some conspicuous part of such building or land. And it shall not be necessary in any such instance to name the occupier or owner of such building or land.

(4) Every order, notice, or other such document required to be sent by the Tribal Executive shall be signed by any two members of the Tribal Executive or by the Secretary.

(5) Where a notice is sent by post it shall be sent so as to arrive in the due course of post on or before the latest time on which the notice is required to be served.

4. Any person who shall in any way, directly or indirectly, obstruct or hinder any member of the Tribal Executive or any duly authorized officer, servant, or agent of the Tribal Executive in the exercise of any powers, duties, or functions under this by-law shall be liable to a fine not exceeding £10.

5. Every person guilty of a breach of any of the provisions of this by-law shall be liable, except where otherwise specially provided, to a penalty not exceeding £20, or where the breach is a continuing one then to a penalty not exceeding £5 for every day or part of a day during which such breach continues. The continued existence in a state contrary to any of the provisions of this by-law of any work or thing shall be deemed a continuing offence within the meaning of this section.

Adoption of Rotorua Borough Council By-laws

6. All by-laws made by the Rotorua Borough Council pursuant to the Municipal Corporations Act, 1933, and subsisting at the date of publication in the *Gazette* of this by-law shall enure as fully and effectively in the district for the purposes of the Act as if they were by-laws made under the Act by the Tribal Executive, and where not inconsistent with the context the words “Council,” “Corporation,” and “Borough Council” in the Rotorua Borough Council By-laws shall, for the purposes of these by-laws, mean the Tribal Executive.

HEALTH

Infectious Diseases

7. (1) In any case where the Tribal Executive, acting upon the advice or instruction of a Medical Officer of Health or any other officer of the Department of Health, has notified, by publication in a newspaper, or by other means, that an infectious disease exists within the district, no hui, tangi, or other gathering shall be held within the district until the Tribal Executive, acting upon the like advice or instruction, has notified, by similar means, that the district is free from such infectious disease.

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(2) Any Maori who, after the Tribal Executive has notified that an infectious disease exists within the district and before the Tribal Executive has notified that the district is free from such infectious disease, organizes or participates in, or is present at any hui, tangi, or other gathering shall be liable to a fine not exceeding £10.

Deaths and Burials

8. (1) Where any Maori dies, otherwise than from an infectious disease, between the 15th day of March and the 15th day of October (both days inclusive) in any year, the body shall be buried within ninety-six hours after death, and where the death occurs between the 16th day of October of one year and the 14th day of March of the following year (both days inclusive) the body shall be buried within seventy-two hours after death: Provided, however, that where any Medical Officer of Health or any person authorized by him directs that the body shall be buried within a shorter period, the body shall be buried within such shorter period accordingly.

(2) The duty of ensuring compliance with this section of this by-law shall lie, in the first instance, upon any person who undertakes the preparation for burial of the body of the deceased, and then upon the owner or any occupier of the house wherein the deceased died.

(3) Any Maori who commits a breach of this section of this by-law shall be liable to a fine not exceeding £10.

9. (1) Where the death of any Maori has occurred from any infectious disease, as defined in section 2 of the Health Act, 1920, or where there is reason to believe that a Maori has died from any such infectious disease, no tangi or other ceremony of a like character shall be held, and any person who organizes or participates in or is present at any tangi or ceremony as aforesaid held in respect of a Maori who has died from any such infectious disease shall be liable to a fine not exceeding £10.

(2) Nothing in this section of this by-law shall be so construed as to prevent the removal of a body to a church or other premises for the purposes of a ceremony prior to burial where the requirements of the proviso to Regulation No. 37 of the Health (Burial) Regulations 1946 have been complied with.

10. Where the death of any Maori has occurred from any infectious disease the corpse of such deceased person shall not be permitted to lie in state inside any Maori meeting-house, and any Maori who causes or permits any such corpse to be placed inside a meeting-house shall be liable to a fine not exceeding £10.

Buildings

11. Buildings include any dwellinghouse, hall, church, shop, outhouse, storage shed, poultry-shed, cow-bail, and means any structure or erection (even for a temporary period) enclosed within walls having a roof thereto and capable of affording protection or shelter and which has or is adapted for including in its composition some one or more of the distinctive clauses or features contemplated by or dealt with in this by-law, and includes any part of a building or anything affixed thereto.

12. Where the Tribal Executive is satisfied that any building used for human habitation ought for any reason, no longer to be so used, it may recommend the appropriate local authority to requisition for the destruction of such building.

13. The Tribal Executive, or any person duly authorized by the Tribal Executive in that behalf may, by notice, direct the owner or occupier of any building in a dirty, unwholesome, or dilapidated state to clean or renovate the same or cause the same to be cleaned or renovated within a time to be specified in such notice.

14. Any person refusing or neglecting to comply with a notice for cleaning or renovating under section 13 of this by-law shall be liable to a fine not exceeding £1 for the first offence and £5 for every subsequent offence whether of the same nature or not.

Straying of Animals

15. No person shall suffer any cattle, horses, or goats belonging to him or under his charge to run at large in any part of a Maori village. Any person committing a breach of this section of this by-law shall be liable to a fine not exceeding £2.

Tribal Buildings

16. For the purpose of sections 17, 18, and 19 of this by-law the term “tribal building” shall include any meeting-house, communal hall, or dining-hall, together with any buildings usually used in connection therewith and whether situated within a Maori village or not, which is used by any tribe, sub-tribe, or Maori community for the purposes of public meetings, tangis, recreation, or other communal activities, but shall not include any church or church hall which is under the control of a particular religious sect or denomination.

17. Any person who marks, cuts, defaces, or otherwise wilfully damages any tribal building, and the parent or guardian of any minor who marks, cuts, or defaces or otherwise wilfully damages any tribal building shall be liable to a fine not exceeding £5, and, in addition to but not in substitution for such fine, the person guilty of an offence under this section may be required to make restitution to the extent of the full amount of the cost of repairing such damage, such restitution to be made to the sub-tribe, person, or persons who have the lawful custody of such building.

18. Any person, and, in the case of a minor, the parent or guardian of such minor, who marks, cuts, defaces, or otherwise wilfully damages any carving, reed panelling, or painted designs affixed to or forming part of any tribal building, or who removes or attempts to remove any such carving, reed panelling, or painted designs from such tribal building without the prior permission of the persons having the lawful control thereof, shall be liable to a fine not exceeding £20.

19. Any person who wilfully trespasses in any tribal building or refuses to leave such building after being warned to do so by the persons having the lawful control thereof or by any person authorized in that behalf, shall be liable to a fine not exceeding £10.