

**Reprint
as at 1 July 2013**



Maori Community Development Regulations 1963

(SR 1963/87)

Regulation title: amended, on 20 October 1983, by regulation 2(1) of the Maori Community Development Regulations 1963, Amendment No 2 (SR 1983/201).

Bernard Fergusson, Governor-General

Order in Council

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

Present:

His Excellency the Governor-General in Council

Pursuant to the Maori Welfare Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by Te Puni Kōkiri.

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Regulations

1

- (1) These regulations may be cited as the Maori Community Development Regulations 1963.
- (2) These regulations shall come into force on 1 July 1963.

Regulation 1(1): amended, on 20 October 1983, by regulation 2(2) of the Maori Community Development Regulations 1963, Amendment No 2 (SR 1983/201).

2

In these regulations, unless the context otherwise requires,—
Act means the Maori Community Development Act 1962
Terms defined in the Act shall, when used in these regulations, have the meanings so defined.

Regulation 2 **Act**: amended, on 14 December 1979, pursuant to section 19(3) of the Maori Purposes Act 1979 (1979 No 136).

3

- (1) At least 2 weeks before the last Saturday in February 1964 and at least 2 weeks before the corresponding day in every third year thereafter, each functioning Maori Committee shall, by public notice in a newspaper circulating in its area or in such other or additional manner as it thinks will adequately inform the Maoris in its area, call a public meeting of Maori residents for the purpose of electing members of the Committee for the

ensuing 3 years. The notice shall state the date, time, and place of the meeting.

- (2) At any such meeting any person who is a Maori, who resides in the Committee's area, and who is of the age of 20 years or upwards shall be eligible to vote.
- (3) At any such meeting the chairman of the outgoing Maori Committee (if present) shall preside. If he is not present a chairman for the meeting shall be chosen by the members of the outgoing Maori Committee present or if no chairman is so chosen a chairman shall be elected by the meeting.
- (4) Any person who is not a Maori may with the leave of the meeting attend and speak at the meeting but shall not be entitled to vote.
- (5) Written nominations for election signed by the nominator and seconder and accepted by the nominee may be lodged with the Committee before the meeting and verbal nominations may be made and seconded at the meeting.
- (6) If the number of nominations received does not exceed the number of persons required to be elected, those persons shall be declared to be elected.
- (7) If more nominations are received than the number of persons required to be elected, a ballot shall be conducted amongst those present who are entitled to vote. At any such ballot no person's vote shall be counted if he votes for more than the number of persons requiring to be elected but a vote for fewer than that number shall not be invalid.
- (8) Where a ballot is held, the meeting shall appoint 2 adult persons present to be scrutineers to check and count the votes. Unless there are insufficient other adult persons present, no person who has been nominated for election and no wife or husband or civil union partner or de facto partner of any such person shall be appointed as a scrutineer.
- (9) The nominees up to the number required to be elected who receive the highest number of votes shall be deemed to be elected. If there is an equality of votes amongst a group of nominees who could not all so be declared to be elected without exceeding the number of vacancies, a further ballot shall be taken amongst the members of that group to determine which

of them shall be elected, and, if the second ballot does not result in a decision, the chairman of the meeting may exercise a second or casting vote.

- (10) All other questions arising at any such meeting shall be decided by a majority of the votes of those present and entitled to vote. In the event of an equality of votes the chairman of the meeting shall have a second or casting vote.
- (11) Where a new Maori Committee area is constituted or where any Maori Committee has ceased to function, any Maori in the area may apply to the appropriate Maori Executive Committee or District Maori Council to call a meeting of Maori residents for the purpose of electing a Maori Committee. The Maori Executive Committee or the District Maori Council shall call a meeting as requested. The Maori Executive Committee or the District Maori Council may also of its own motion call any such meeting.
- (12) In any case to which subclause (11) applies the election shall be held as soon as practicable and the provisions of this regulation, as far as they are applicable and with the necessary modification, shall apply accordingly.

Regulation 3(2): amended, on 1 January 1971, by section 7(1) of the Age of Majority Act 1970 (1970 No 137).

Regulation 3(8): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

4

- (1) As soon as a Maori Committee has appointed its representatives on the appropriate Maori Executive Committee in accordance with subsection (1) of section 21 of the Act, the secretary of the Committee shall notify the Maori Executive Committee of the name and address of each such representative.
- (2) As soon as a Maori Executive Committee has appointed its representative or representatives on the appropriate District Maori Council in accordance with subsection (2) of section 21 of the Act, the secretary of the Committee shall notify the Council of the name and address of each such representative.
- (3) As soon as a District Maori Council has appointed its representatives on the New Zealand Maori Council in accordance with subsection (3) of section 21 of the Act, the secretary of

the District Maori Council shall notify the New Zealand Maori Council of the name and address of each such representative.

- (4) Any Maori Association may appoint 1 or more of its members to act as proxies for its representatives at meetings of the Maori Association to which those representatives are appointed, and the names and addresses of every such proxy shall be notified to the appropriate Maori Association.
- (5) Where a representative of a Maori Association is unable to attend a meeting of the Association to which he was appointed, the appointing Association shall nominate one of the proxies appointed as aforesaid to attend the meeting and the proxy while so attending shall for all purposes be deemed to be a member of the Maori Association at the meeting of which he attends.

5

- (1) Notice in writing of the date, time, and place appointed for any ordinary meeting of a Maori Association shall be given to every member in sufficient time for the notice to reach him by the ordinary course of post at least 3 days before the member would, using the normal means of transport, have to leave his ordinary place of residence to attend the meeting:
provided that the initial meeting of a newly elected Maori Committee may be held immediately following or at a time arranged at the meeting of Maori residents at which it was elected.
- (2) The accidental omission to give notice of a meeting to, or the non-receipt of a notice of meeting by, any member shall not invalidate the proceedings at any meeting.
- (3) Notwithstanding anything in subclause (1), an urgent special meeting may if necessary be called by telegram or telephone but every endeavour shall be made to give the members as much notice as is reasonably possible in the circumstances.
- (4) If within 1 hour after the time appointed for a meeting, whether by notice as aforesaid or by adjournment from a previous meeting, a quorum is not present, the members present, or if no member be present, the secretary or other officer of the Maori Association concerned, may adjourn the meeting

to such time and place as is thought fit; and if the meeting is not so adjourned the notice calling it shall be deemed to have lapsed.

- (5) The chairman may, with the consent of the members present, adjourn any meeting from time to time or from place to place, but, unless notice is otherwise given under subclause (1), no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (6) The proceedings of every meeting of every Maori Association shall be recorded in a proper minute book and the minutes of each meeting shall be submitted for confirmation at the next ordinary meeting of the Association.

6

- (1) The seal of any Maori Association shall have inscribed on it in legible characters the name of the Association, but shall otherwise be in such form of circular design as may be decided by the Association.
- (2) The seal shall be kept in the custody of the secretary or other person appointed for the purpose.
- (3) The seal shall not be affixed to any instrument or document except by the authority of a resolution of the Maori Association concerned and in the presence of 2 members thereof, and they shall sign every instrument or document to which the seal has been so affixed in their presence.

7

- (1) Each Maori Association may from time to time appoint such officers as it may need to carry out its functions, including a secretary and a treasurer or a secretary-treasurer.
- (2) Every appointment under subclause (1) and every change in the holders of any such offices shall in the case of District Maori Councils and the New Zealand Maori Council be notified to the Secretary for Maori Affairs. Any officer appointed under this regulation need not necessarily be a member of the Association which appoints him.

- (3) The officers of a Maori Association shall have all such powers and duties as the Association shall from time to time determine, subject to the provisions of the Act, and shall at all times conform to the directions of the Association.
- (4) Subject to subclause (1), any officer appointed by a Maori Association may be dismissed from that office and another person appointed in his stead.
- (5) The secretary and other officers of a Maori Association may be paid such remuneration or travelling or other expenses out of the funds of the Association concerned as it may from time to time determine.
- (6) Any member of a Maori Association who is required to travel more than 5 miles for the purpose of attending any meeting of the Association or on the business of the Association may be paid such remuneration or travelling allowances or other expenses out of the funds of that Association as it may from time to time determine:
provided that the rates and conditions of such payments shall not in any case be more favourable to the member than the corresponding rates and conditions for the time being approved under the Fees and Travelling Allowances Act 1951.

8

- (1) Where in the opinion of a Maori Committee there is prima facie evidence of the commission of an offence by a Maori under sections 30, 32, 33, or 35 of the Act and the Committee decides to deal with the matter otherwise than under the Criminal Procedure Act 2011, the procedure under this regulation shall apply.
- (2) The Committee shall serve or cause to be served upon the person concerned either personally or by prepaid registered post a notice of charge worded in accordance with the form of the Schedule or to the like effect.
- (3) The notice of charge shall appoint a reasonably convenient time and place for the hearing of the charge before not fewer than 3 members of the Maori Committee, the time appointed being not earlier than 7 days after the date of service of the

- notice or the date on which the notice is served by registered post would have been delivered in the ordinary course of post.
- (4) At the hearing of the charge the person charged shall be entitled to be heard and, if he wishes, to be represented, but, if he fails to appear at the time and place appointed, the charge may be adjudicated upon in his absence:
provided that no penalty shall be imposed unless the members of the Maori Committee are satisfied that the charge has been sufficiently proved.
- (5) All evidence given before the members of the Committee shall be given on oath, and, for that purpose, the members of the Committee hearing the charge shall be deemed to be persons acting judicially within the meaning of the Oaths and Declarations Act 1957.
- (6) Unless the person charged admits the charge, the procedure at the hearing shall as far as practicable be arranged in the following sequence:
- (a) the charge shall be read out:
 - (b) the person prosecuting the charge shall open his case and lead whatever evidence he can produce in support of the charge:
 - (c) the person charged or his representative may cross-examine each witness after he has given his evidence, and the person leading the evidence may re-examine the witness on any matters raised on the cross-examination:
 - (d) the person charged may, if he wishes, call evidence or give evidence himself, with similar rights of cross-examination by the person prosecuting the charge and of re-examination by the person charged:
 - (e) the final addresses and submissions. If the person charged has called or given evidence, he or his representative shall be heard first, but if he has not called or given evidence the person prosecuting the charge shall be heard first:
 - (f) deliberation and adjudication by the members of the Committee.
- (7) No penalty imposed at a hearing under this regulation shall exceed \$20:

provided that if the members of the Committee are not unanimous in their finding, the majority of them may impose a penalty not exceeding \$10.

- (8) If a penalty is imposed in the absence of the person charged, advice of the imposition of the penalty shall be posted to him by prepaid registered post not later than the next working day following the date of the hearing.
- (9) If a penalty imposed under this regulation is not paid within 14 days after the imposition thereof, a copy of the notice of charge with a certificate as to the penalty imposed upon the adjudication thereof, signed by the members of the Maori Committee who adjudicated thereon, may be transmitted to the appropriate office of the District Court for the district.

Regulation 8(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 8(9): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

9

- (1) The books of account required to be kept in accordance with section 28 of the Act shall consist of suitable stiff covered books with the name of the Maori Association concerned legibly inscribed on the cover or the spine of the books.
- (2) Every Maori Association shall keep at least a cash book and a receipt book.
- (3) Every Maori Association shall issue receipts for all money received and shall obtain receipts for all money paid. No money shall be paid except as authorised by the Maori Association concerned.
- (4) Unless the Secretary for Maori Affairs otherwise directs in any case, the accounts may be kept by the single entry system.
- (5) The vouchers, invoices, receipt copies, and other records relating to the accounts for any financial year shall be retained for a period of 6 years after the close of that financial year.

10 Subsidies

- (1) Applications for subsidy shall be submitted to the Secretary for Maori Affairs on form MA 611 and shall be accompanied by a copy of such accounts or auditors' certificates or other

particulars as the Secretary for Maori Affairs may require for the purpose of checking the application before its submission to the Minister.

- (2) The Minister may approve the allocation of money appropriated by Parliament for subsidies at such rate or rates, not exceeding in any case \$1 for \$1, as he thinks fit.
- (3) *[Revoked]*

Regulation 10 heading: inserted, on 20 October 1983, by regulation 3 of the Maori Community Development Regulations 1963, Amendment No 2 (SR 1983/201).

Regulation 10(2): replaced, on 20 October 1983, by regulation 3 of the Maori Community Development Regulations 1963, Amendment No 2 (SR 1983/201).

Regulation 10(3): revoked, on 20 October 1983, by regulation 3 of the Maori Community Development Regulations 1963, Amendment No 2 (SR 1983/201).

11

- (1) Maori Wardens shall exercise in their respective areas the powers and functions laid down in the Act.
- (2) In carrying out their functions Maori Wardens shall work in close association with the Maori Committees and Maori Executive Committees and any subcommittees thereof having jurisdiction in their areas and shall assist any such Committees and their officers to the best of their ability.
- (3) Maori Wardens shall also maintain close association with the Police and traffic officers having jurisdiction in their areas so as to ensure the maximum cooperation with all such officers.
- (4) Maori Wardens shall endeavour to promote respect amongst Maori people for the standards of the community and to take appropriate steps where possible to prevent any threatened breach of law and order.

12

Any notice, summons, suit, or other document required to be served on a Maori Association may be served by being left with the chairman or secretary of that body or by being sent through the post by prepaid registered letter addressed to the chairman or secretary at his last known address, and any notice, summons, suit, or other document so posted shall be

deemed to have been served on the day next following that on which it would be delivered in the ordinary course of post.

13

The Maori Tribal Organisations Regulations 1948 (SR 1948/58) are hereby revoked.

Schedule

Notice of charge

In the matter of the Maori Community Development Act 1962

To *[full name, occupation, full postal address]*

- 1 You are hereby summoned to attend a meeting of representatives of the *[specify]* Maori Committee to be held at *[name of building, full address]* at *[time]* on *[date]* to answer a charge against you that you have committed an offence under section *[specify]* of the Maori Community Development Act 1962 which provides as follows:
[Set out the text of the section to which the charge relates.]
- 2 The act or acts of commission or of omission with which you are charged is/are as follows:
[Set out particulars in sufficient detail to enable the person charged to know precisely what he is called upon to answer.]
- 3 You are entitled to appear in person or to be represented at the hearing and to cross-examine the witnesses called in support of the charge and to call evidence on your own behalf. You are also entitled to make submissions on your own behalf after the evidence has been heard.
- 4 If you fail to appear at the time and place appointed for the hearing, the representatives of the Committee may adjudicate upon the matter in your absence. If you wish to admit the charge without appearing you may give notice accordingly to the Committee in writing together with any explanation you may wish to make.
- 5 If a penalty is imposed upon you for the offence complained of the amount of the penalty must be paid to the *[specify]* Maori Committee within 14 days of the date of the hearing. If it is not then paid a certificate of the imposition of the penalty will be filed in the District Court and enforced in the same way as a judgment for debt is enforced in that court, unless you defend the proceedings for enforcement in the District Court, in which case the District Court Judge will rehear the charge.

Dated at: *[place, date]*

Reprinted as at
1 July 2013

**Maori Community Development
Regulations 1963**

[*signature*]
Chairman/Secretary,
[*specify*] Maori Committee

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

Schedule: amended, on 1 April 1980, pursuant to section 18(2) of the District
Courts Amendment Act 1979 (1979 No 125).

Schedule: amended, on 14 December 1979, pursuant to section 19(3) of the
Maori Purposes Act 1979 (1979 No 136).

T J Sherrard,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 6 June 1963.

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Notes**1 General**

This is a reprint of the Maori Community Development Regulations 1963. The reprint incorporates all the amendments to the regulations as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Criminal Procedure Act 2011 (2011 No 81): section 413

Relationships (Statutory References) Act 2005 (2005 No 3): section 12

Maori Community Development Regulations 1963, Amendment No 2 (SR 1983/201)

Maori Purposes Act 1979 (1979 No 136): section 19(3)

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Age of Majority Act 1970 (1970 No 137): section 7(1)