



# Maungaharuru-Tangitu Incorporated

## Constitution

*Changes to name and constitution approved at a  
Special General Meeting held 23 January 2009,  
and signed by three members of the Society*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print name*

\_\_\_\_\_  
*Print name*

\_\_\_\_\_  
*Print name*

**KensingtonSwan**   
LAWYERS  
**Solicitors**  
**Wellington & Auckland**

## TABLE OF CONTENTS

1	<b>Name</b> .....	2
2	<b>Background</b> .....	2
3	<b>Guiding Principles and Objects</b> .....	2
4	<b>Interpretation</b> .....	3
5	<b>Powers of the Society</b> .....	4
6	<b>Membership</b> .....	6
7	<b>General Meetings</b> .....	7
8	<b>Voting at General Meetings</b> .....	8
9	<b>The Komiti</b> .....	8
10	<b>Meetings of the Komiti</b> .....	10
11	<b>Election of the Komiti</b> .....	11
12	<b>Removal of Members of Komiti</b> .....	13
13	<b>Casual Vacancies of Komiti</b> .....	13
14	<b>Duties and Powers of Secretary and Treasurer</b> .....	13
15	<b>Sub-Komiti</b> .....	14
16	<b>Audit</b> .....	15
17	<b>Financial Accountabilities</b> .....	15
18	<b>Control of Funds, Income and Property</b> .....	15
19	<b>Common Seal</b> .....	15
20	<b>Registered Office</b> .....	16
21	<b>Register of Members</b> .....	16
22	<b>Alteration to Rules</b> .....	16
23	<b>Winding Up</b> .....	17
24	<b>Indemnity</b> .....	17
	<b>SCHEDULE 1</b> .....	18



**Ka tuwhera a Maungaharuru ka kati a Tangitu  
Ka tuwhera a Tangitu ka kati a Maungaharuru\***

This proverb defines our boundaries between mountain and sea, proclaims ahi kaa roa (*occupation*) and the inherited right to exercise mana whenua and mana moana through undisturbed occupation back to the original ancestors who first settled the land.

Movement of the hapu was dictated by the seasons. Wintertime was the season for gathering food from the mountains and its surrounds. Summer was the season for gathering food from the sea, rivers, lagoons and the surrounding lands. This gave rise to another proverb. *Ko to ratou pa kei nga rekereke* (their pa were in their heels). The hapu had access to an economy that gave them sustenance through all the seasons of the year without having to leave their hapu boundaries.

A defining event in our history was the illegal and unjustified confiscation (raupatu) of our Hapu lands by the Crown in 1867, using its powers under the New Zealand Settlements Act 1863.

Since this time we have continued to assert our mana and rangatiratanga over our lands. We have done this by means of petition both to the British and New Zealand governments, litigation in the Courts, including in the Privy Council at London, and by bringing claims to the Waitangi Tribunal.

It is intended now to establish a legal entity which will have the responsibility for moving towards a final settlement of this long-standing grievance and continue to look after the social, cultural, economic welfare of the Hapu..

---

\* Maungaharuru is the mountain, Tangitu is the foreshore and seabed. When the season of Maungaharuru opens the season of Tangitu closes. When the season of Tangitu opens the season of Maungaharuru closes.

# Maungaharuru-Tangitu Incorporated

## 1 Name

- 1.1 The name of the Society is Maungaharuru-Tangitu Incorporated.

## 2 Background

- 2.1 Members of the Hapu wish to establish a formal body to represent, manage, promote, foster, assist and develop the affairs and interests of the Hapu. A brief traditional history of each Hapu and various related hapu is set out in the Appendix to these rules.

## 3 Guiding Principles and Objects

- 3.1 The Society will be guided in the fulfilment of its objectives by the following principles:
- a. **Tino rangatiratanga:** The Hapu shall determine their own future and govern their own development over their ancestral lands, estates, forests, fisheries and other taonga.
  - b. **Kaitiaki:** The Hapu are guardians and trustees for all things and matters pertaining to their social, economic and political development and further over their traditionally recognised responsibilities; including maunga, urupa, wahi tapu, awa, moana, roto, taonga, kohatu, coastline, fisheries and papakainga.
  - c. **Mana:** The mana of the Hapu resides through its kaumatua with the Hapu and the people.
  - d. **Tikanga:** The tikanga of the Hapu is to be upheld.
  - e. **Mana whenua:** The Hapu as tangata whenua, assert mana whenua over all the lands and waterways within their traditional boundaries.
  - f. **Mana moana:** The Hapu as tangata whenua, assert mana moana over all the mahinga kai, tauranga waka, seas, coasts, reefs, waters and seabed adjacent to their lands and within their traditional boundaries.
  - g. **Whanaungatanga:** The Hapu recognises their close and historical links with the other hapu of Ngati Matepu, Ngati Pahauwera and Ngati Hineuru.
- 3.2 The Society is established for the following purposes:
- a. **Representation:** To be the voice and representative body for the Hapu.
  - b. **Co-operation:** To promote and foster spiritual values, unity, support and co-operation amongst the Hapu generally.

- c. **Tikanga:** To promote and encourage amongst the people the recognition of their traditional customs and values and to have regard to their custom in all practices and proceedings of the Society.
- d. **Social:** To promote the advancement of the Hapu, whether individually or collectively, in the following areas:
  - i. culture;
  - ii. education;
  - iii. employment;
  - iv. economics (including housing and finance);
  - v. recreation;
  - vi. health;
  - vii. Treaty of Waitangi claims and negotiations with the Crown; and
  - viii. any other area related to their well-being.
- e. **Economics:** To advance and secure the economic well-being and business of the Hapu, including:
  - i. to participate in central and local government policy and practice in the rohe and general environs of the Hapu;
  - ii. to ensure that any assets of the Hapu are protected and well managed for future generations;
  - iii. to hold and manage any fisheries, forestry or other assets which are allocated to the Hapu as a result of Treaty settlements or otherwise;
  - iv. to receive funds or other assets transferred from the Crown or other bodies for the benefit of the Hapu; and
  - v. to promote and enter arrangements for the betterment of the Hapu, including to form any body including a corporation to effectively manage such arrangements.
- f. **General:** To carry on any other objects which seem to the Committee capable of being carried on in connection with the above objects or which may directly or indirectly achieve those objects.

## 4 Interpretation

- 4.1 **Interpretation:** In the interpretation of these Rules, unless the context otherwise requires:

“Act” means the Incorporated Societies Act 1908.

“**Hapu**” means the hapu of Ngai Tataara , Ngati Kurumokihi, Ngati Marangatuhetaua (Ngati Tu) and Ngai Te Ruruku ki Tangoio.

“**Komiti**” means the Komiti of Maungaharuru-Tangitu Incorporated established by Rule 9;

“**Member**” means subject to Rules 6.3 (Resignation of membership) and 21.2 (Alteration to register of Members), any person approved as a Member in accordance with Rule 6.2 (Registration form);

“**Registrar**” means the Registrar of Incorporated Societies under the Act;

“**Voting Member**” means those Members aged 18 years and over at the time of the vote.

- 4.2 **Plural:** Words importing the singular number shall include the plural number and vice versa.
- 4.3 **References:** Reference to a Rule, schedule or appendix is to the relevant provision, schedule or appendix of these Rules.
- 4.4 **Person:** The word “person” wherever used in these Rules shall include any incorporated or unincorporated body.
- 4.5 **Komiti to determine:** Should a question at any time arise which is not provided for in these Rules, or should any doubt exist as to the interpretation of these Rules, or should any other matter arise pertaining to the Society, its property or interests, the Komiti shall determine the matter, whose decision shall be final.

## 5 Powers of the Society

- 5.1 **General power:** The Society shall have the power to do all things conducive to the attainment of its objects.
- 5.2 **Specific powers:** The Society shall also have the following specific powers which may only be exercised for the purpose of fulfilling its objects, to:
- a. **Make grants:** make grants, scholarships or koha to any person or organisation as directed by the Komiti;
  - b. **Purchase property:** purchase or otherwise acquire (by gift, devise, bequest or any other means) or otherwise take or lease any property, rights, privileges, at such price and on such terms and conditions as the Society may think fit;
  - c. **Pay for property:** pay for property, rights, privileges and things, and any services rendered to the Society;
  - d. **Manage property:** sell, improve, maintain, manage, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with all or any part of the property assets and rights of the Society.
  - e. **Mortgages and purchases etc.:** take or hold mortgages liens and charges to secure payment of the purchase price, or any unpaid balance of the purchase

price, of any part of the Society's property of whatsoever kind sold by the Society, or any money due to the Society from purchasers and others;

- f. **Negotiate and contract:** enter into any negotiations, agreements, joint ventures or contracts, preliminary, conditional or final, which the Society is empowered to enter into and give effect to, modify, vary or rescind them;
- g. **Arrangements:** enter into any arrangements with any person that may seem conducive to the Society's objects, and to obtain from any such person any rights, privileges and concessions which the Society may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
- h. **Construction and maintenance:** construct, improve, maintain, develop, manage, or control any buildings, and other works and conveniences which may seem calculated directly or indirectly to advance the Society's interests; and to contribute to, subsidise or otherwise assist or take part in the construction, improvements, maintenance, development, working, management, carrying out or control thereof;
- i. **Borrowing:** raise or borrow money in such manner and upon such security (if any) as the Society shall think fit;
- j. **Investment of funds:** invest and deal with the moneys of the Society not immediately required upon such securities or otherwise in such manner as may from time to time be determined by the Society and from time to time to vary such investment or realise the amount invested therein;
- k. **Guarantees:** guarantee the payment or performance of any debts, contracts, incurred on behalf of the Society or become surety for any person, firm or company acting on the instructions of the Society;
- l. **Indemnities:** give indemnities to any officer or other person whether a Member of the Society or not who has undertaken or is about to undertake any liability on behalf of or for the benefit of, and to secure such officer or other person against loss;
- m. **Licences:** obtain all licences, powers and authorities necessary to carry out any of the objects of the Society;
- n. **Appointment of trustees:** appoint any person, to acquire, accept and hold in trust for the Society any property or assets belonging to the Society or in which it may be interested or which it may desire to acquire or control, and for any other purposes, and to execute and do all such deeds and things as may be requisite in relation to any such trust and to provide for the remuneration of such trustee;
- o. **Agents and attorney:** appoint agents and attorneys (under Powers of Attorney) for the Society in New Zealand and elsewhere, with such powers (including the power to sub-delegate) as may be thought fit;
- p. **Employees of the Society:** to employ Members, its officers and/or any other persons on a full or part-time basis and to remunerate them, and generally employ them and to terminate such employment in accordance with established

procedures, provided that this Rule shall not terminate any contractual agreements at present in force between the Society and its employees or officers;

- q. **Remuneration:** remunerate any person for services rendered or to be rendered, in or about the organisation formation or promotion of the Society or the conduct of its objects;
  - r. **Expenses and emoluments:** apply the funds of the Society in the manner as set out in the Rules and for the following purposes:
    - i. in payment of all expenses and emoluments incidental to the carrying out of the objects of the Society or any of them including any authorised honorarium;
    - ii. the travelling expenses and other allowances for delegates, representatives, Members and officers of the Society.
  - s. **Cheques and other negotiable instruments:** issue cheques, promissory notes, drafts, bills of exchange and other negotiable instruments and receipts for money paid to the Society which shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be, in such manner as the Society may from time to time by resolution determine;
  - t. **Legal proceedings:** commence and carry on or defend, and to abandon and compromise any legal proceedings whatsoever by or against the Society or its officers and otherwise concerning the affairs of the Society, or to refer any claims or demands by or against the Society to arbitration; and to observe and perform the contracts, and to accept compositions from or to compound with or give time to any debtor or contributory owing money or alleged to owe money to the Society;
  - u. **Sub-Komiti:** appoint or establish any sub-komiti and delegate such of the powers of the Society as are deemed appropriate by the Society;
  - v. **Carry out objects:** carry out all or any of the objects of the Society and do all or any of the above things as principal, agent, contractor or trustee or otherwise and by or through trustees or agents or otherwise, and either alone or in conjunction with others.
- 5.3 **Wider Application:** This Rule and each and every Rule shall be construed so as to widen and not restrict the powers of the Society and the Komiti.

## 6 Membership

- 6.1 **Membership based on whakapapa:** Membership of the Society is open to those individuals who descend from the following tipuna.
- a. Tataramoia (for Ngai Tatara and Ngati Kurumokihi)
  - b. Tukapua I (for Ngati Tu)
  - c. Whakaari (for Ngati Whakaari, a sept of Ngati Tu)

d. Te Ruruku through Hemi Puna and Taraipene Tuaitu (of Ngai Te Ruruku ki Tangoio).

6.2 **Registration form:** Membership to the Society will be gained upon completion of a registration form prescribed by the Komiti from time to time and the approval of the registration of such person by the Komiti.

6.3 **Resignation of membership:** Any Member may resign from his or her membership giving to the Komiti notice orally or in writing to that effect. Every such notice shall, unless otherwise expressed in such notice, take effect as from the end of the financial year then current.

## 7 General Meetings

7.1 **Annual general meeting:** An annual general meeting of the Society shall be held no later than 31 March in each financial year. The meeting shall take the form of a hui at a place to be determined by the Komiti. The business of the annual General Meeting shall be:

- a. To receive and consider the annual report of the Komiti and any duly constituted sub-Komiti;
- b. To receive, consider and adopt the annual financial statements certified by the Komiti as true and correct;
- c. To consider any resolution, notice of which shall have been given in writing to the Secretary at least 21 days before the date of the meeting;
- d. Subject to Rules 9.2 (the Founding Komiti) and 11.2 (Rotation), to elect Komiti members to any vacant positions on the Komiti; and
- e. To appoint an auditor for the ensuing year.

7.2 **Special general meeting:** A special general meeting of the Society may be called at any time by the Komiti in accordance with the provisions of Rule 7.4 (Notice of Meetings).

- a. Any Member may also sign a requisition to the Komiti to convene a special general meeting, provided that:
  - i. the request shall be in writing giving details of and the purpose for the meeting; and
  - ii. it shall be given to all Komiti members; and
  - iii. be signed by at least 3 Komiti members.
- b. On receipt of such requisition the Komiti shall instruct the Secretary to call such meeting in accordance with the provisions of Rule 7.4 (Notice of Meetings).
- c. The date, hour and place at which a special general meeting shall be held shall be determined by the Komiti.
- d. The business to be dealt with at any special general meeting shall be limited to the matters stated in the notice of such meeting.

7.3 **Quorum:** At every annual or special general meeting 50 % of the Voting Members or 20 Voting Members (whichever is the lesser) shall form a quorum

7.4 **Notice of meetings:** Annual general and special general meetings shall be notified by either:

- a. oral or written notice to all Voting Members no later than 21 days prior to the date fixed for the meeting; or
- b. by an insertion in the public notices section of a suitable regional newspaper and where possible by panui on local Maori radio and television media no less than 21 clear days prior to the date fixed for the meeting;

and every such notice shall state the date, time and place of the meeting and the nature of the business to be discussed.

## 8 **Voting at General Meetings**

8.1 **Consensus or 75% majority vote:** Decisions at any annual or special general meeting shall be made by consensus or a 75% majority vote, and on the following basis:

- a. In the event of a vote, only Voting Members of the Society shall be entitled to vote;
- b. Each Voting Member shall have one vote.

8.2 **Method of voting:** The method of voting at all meetings of the Society shall, at the option of the chair of the meeting, be by an expression of agreement, either orally or by a show of hands, postal vote pursuant to Rule 8.3 and 8.4, or by poll if demanded by any Voting Member of the Society.

8.3 **Postal votes:** A Voting Member may cast a postal vote on any matter to be decided at an annual or special general meeting on completion of a postal voting form provided by the Komiti for the purposes of such a meeting.

8.4 **Postal votes to be returned to office prior to hui:** Completed postal voting forms must be returned to the registered office of the Society not less than one day prior to the relevant meeting. It is the duty of the Secretary to collect and count all postal votes received by him or her and to sign a certificate that he or she has carried out these duties and which sets out the results of the count required by this Rule. This certificate shall be presented to the chair of the relevant meeting who shall ensure that the certificate is annexed to the minutes of the meeting in the minute book. The chair shall take such postal votes into account in respect to the resolution on which the votes have been cast.

8.5 **Proxies:** There shall be no voting by proxy at any annual or special general meeting.

## 9 **The Komiti**

9.1 **Komiti:** The affairs of the Society shall be managed by a Komiti consisting of not less than 7 persons and no more than 9 persons.

9.2 **The founding Komiti:** The founding Komiti will consist of the seven persons who were elected and mandated by hui a Hapu in July 1992 to represent the Hapu in Treaty

claims and related matters for the hapu. These persons are named below and are therefore appointed by these Rules and will take office upon registration of the Society:

- a. Chairperson: Bevan Taylor
- b. Komiti: Heitia Hiha, Alice Taylor, Fred Reti, Rangi Taurima, Rere Puna and Tania Hopmans.

These Komiti members shall hold office until 31 March 2008.

- 9.3 **Further Komiti members:** A further two additional persons may be elected to the Komiti pursuant to Rule 11 (Election of the Komiti) at the first Annual General Meeting of the Society.
- 9.4 **Powers of the Komiti:** The Komiti shall have, and may exercise, all the powers of the Society but in so doing will comply with any specific directions or resolution of the Society made in general meetings under these Rules.
- 9.5 **Decisions of the Komiti:** All decisions of the Komiti must be made in a lawful manner in the interests of the Members and in line with the principles and objects of the Society.
- 9.6 **Duties of the Komiti:** Pursuant to the Act the Komiti shall have the following duties:
  - a. To ensure financial statements are prepared every year and are delivered to the Registrar of Incorporated Societies; and
  - b. To ensure a register of Members is maintained; and
  - c. To provide a common seal for the Society.
- 9.7 **Duties and powers of the Chairperson:** the Chairperson shall have the following powers and duties:
  - a. **Supervision:** To supervise the business and affairs of the Society:
    - i. To attend and preside over the meetings of the Society, to keep order, to conduct the business and to decide all points of order.
    - ii. To obey all such lawful instructions, and to do and perform all such lawful things and acts as may be given or required to be done by a meeting of the Society or the Komiti or by the Act or these Rules.
    - iii. To do and perform such other lawful duties as may usually pertain to the office of Chairperson.
  - b. **Powers at a meeting:** When presiding at a meeting the Chairperson shall have power:
    - i. To exercise a vote and, in the case of equality of voting, also a casting vote.
    - ii. To decide the order of business, to put motions and to declare the result of the voting.

- iii. To order the removal from a meeting of any person obstructing the business of the meeting or behaving in a disorderly manner, or of any person not entitled to be present.
  - iv. By a resolution of the meeting or in the absence of a quorum, to adjourn a meeting or to declare a meeting closed.
- c. **General power:** Generally to do and perform such other lawful things and acts as may be necessary or desirable to carry on the business of a meeting with order and regularity including any other power or duty referred to in these Rules.
- 9.8 **Duties and powers of Deputy Chairperson:** It is the duty of the Deputy Chairperson to assist the Chairperson in carrying out the duties appertaining to his or her office, and in the absence of the Chairperson, the Deputy Chairperson exercises all the powers and shall perform all the duties of the Chairperson.
- 9.9 **Public representation:** The Chairperson may speak publicly for the Komiti on any matter. The Komiti may also, from time to time, appoint any other person to speak publicly for the Komiti on any matter. Other than the Chairperson, no member of the Komiti shall speak for the Komiti or Society in any way or do any act which may infer that he or she has authority to speak for the Komiti or Society without first being appointed by the Komiti to do so.
- 10 **Meetings of the Komiti**
- 10.1 **Meeting of the Komiti:** The Komiti shall meet monthly at such places as it thinks fit.
- 10.2 **Quorum:** The quorum for a Komiti meeting shall consist of 5 Komiti members being present throughout.
- 10.3 **Notice of meetings:** Notices shall be given orally or in writing to each Komiti member not later than 7 clear days prior to the day of the meeting unless all Komiti members agree otherwise.
- 10.4 **Voting:** Any question arising at any meeting of the Komiti shall be decided by a majority of votes and in the case of an equality of votes the Chairperson shall have a casting vote.
- 10.5 **Method of voting:** All voting of the Komiti shall be by an expression of agreement, either orally or by a show of hands.
- 10.6 **Proxies:** Votes at meetings of the Komiti may be recorded personally or by proxy. The proxy form shall be signed by the Komiti member making the appointment and witnessed and it shall be set out as in Schedule 1 (Proxy Form).
- 10.7 **Proxies only to be held by other Komiti members:** Proxies may only be held by other Komiti members.
- 10.8 **Meetings by telephone:** The contemporaneous linking together by telephone of a number of the Komiti members not less than the quorum, whether or not any one or more of the Komiti members is out of New Zealand, shall be deemed to constitute a meeting of the Komiti if:

- a. all the Komiti members for the time being entitled to receive notice of a meeting of the Komiti shall be entitled to notice of a meeting by telephone and to be linked by telephone for the purposes of such meeting. Notice of any such meeting may be given on the telephone;
- b. each of the Komiti members taking part in the meeting by telephone must be able to hear each of the other Komiti members taking part at the commencement of the meeting; and
- c. at the commencement of the meeting and at or about the closure of the meeting each Komiti member must acknowledge his or her presence for the purpose of a meeting of the Komiti to all the other Komiti members taking part.

A Komiti member may not leave the meeting by disconnecting his or her telephone unless he or she has previously obtained the express consent of the Chairperson of the meeting. A Komiti member shall be conclusively presumed to have been present and to have formed part of the quorum at all times during the meeting by telephone unless he or she has previously obtained the express consent of the Chairperson to leave the meeting.

A minute of the proceedings at such meeting by telephone shall be sufficient evidence of such proceedings and of the observance of all necessary formalities if certified as a correct minute by the Chairperson of the meeting.

For the purposes of this Rule 10.8 “**telephone**” shall include television or any other audio and visual device which permits instantaneous communication.

- 10.9 **Unanimous written resolution:** A resolution in writing signed by all the Komiti members then entitled to receive notice of a Komiti meeting is as valid and effective as if it had been passed at a meeting of the Komiti duly convened and held.

Such resolution may consist of one or more documents in like form, each signed by one or more Komiti members and a copy, facsimile transmission or other electronic reproduction of any such document signed or assented to by one or more Komiti members shall be conclusive evidence of the execution of the original document by those Komiti members.”

## 11 **Election and rotation of Komiti members**

- 11.1 **Term:** Subject to Rules 9.2 (Founding Komiti) and 11.2 (Rotation), each Komiti member shall hold office for a term of three years.
- 11.2 **Rotation:** The following provisions shall apply to the retirement of Komiti members on and from the annual general meeting held in the year 2009.
- a. At each annual general meeting a minimum of two Komiti members shall retire from the Komiti.
  - b. The Komiti members to retire at each annual general meeting shall be:
    - i. **first**, all those Komiti members who have been appointed to the Komiti under Rule 13.1 (Casual vacancies); and

- ii. **second**, to the extent there are fewer than two Komiti members who qualify under paragraph (i) above, those Komiti members who have been longest in office since their last election, but as between persons who became Komiti members on the same day, those to retire shall (unless they otherwise agree among themselves) be determined by lot.
- 11.3 **Holding of positions:** Those elected to the Komiti shall, in accordance with Rule 12.1 (Termination of membership) or 12.2 (Dismissal), hold their positions until death, resignation, removal or until their successors are elected in accordance with these Rules, whichever shall occur first.
  - 11.4 **Eligibility:** Any person who is not less than 20 years of age and is a Member may be elected a member of the Komiti in accordance with these Rules.
  - 11.5 **Re-election of the Komiti:** Retiring Members of the Komiti shall be eligible for re-election.
  - 11.6 **Returning officer shall supervise the conduct of the election:** For each election the Komiti shall appoint a returning officer who shall supervise the conduct of the election. Candidates for office and employees of the Society shall not be eligible to act as a returning officer.
  - 11.7 **Returning officer ensure Members are advised of nominations:** The returning officer shall ensure Members are advised by the Secretary of the calling of nominations at least 21 days before the nominations are due.
  - 11.8 **Nominations:** Nominations of candidates for any elected office on the Komiti shall be in writing and signed by two Members, being the proposer and seconder of the candidate. The candidate must also sign the nomination to indicate his or her consent. The nomination shall be delivered to the Secretary before the closing date, which shall be at least 24 days before the day of the general meeting where the election ballot will take place.
  - 11.9 **Void nominations:** Nominations shall be void if they are received by the Secretary later than the closing date.
  - 11.10 **Unopposed elections:** If there is only one nomination to fill a vacant office, the candidate shall be declared elected unopposed by the returning officer.
  - 11.11 **Carrying out of a ballot:** If an election is required the returning officer shall make the necessary arrangements for the carrying out of a ballot at a general meeting in accordance with these Rules.
  - 11.12 **Declare the results:** The returning officer shall count the ballot at the meeting and declare the results to the Members. The highest polling candidate for each vacant office shall be appointed to such office.
  - 11.13 **Preservation of ballot papers etc.:** All ballot papers, lists, envelopes and other documents used in connection with the election shall be preserved and retained by the Secretary for a period of one year from the date of the ballot.
  - 11.14 **Appointment of Chairperson and Deputy Chairperson:** After the election of the Komiti, the Komiti members shall appoint its Chairperson and Deputy Chairperson by consensus or by majority vote if necessary.

## 12 **Removal of Members of Komiti**

- 12.1 **Termination of membership:** Membership of the Komiti shall cease if the member is dismissed in terms of the provisions of Rule 12.2 (Dismissal), resigns, dies, is or has been declared bankrupt, or by reason of mental or bodily disability which in the opinion of the remainder of the Komiti members renders such person incapable of carrying out the duties of the Komiti or is absent from three consecutive Komiti meetings (except by the leave of the Komiti).
- 12.2 **Dismissal:** The Komiti may meet to consider the membership of any member of the Komiti and may by a 75% majority vote of the other Komiti members present in person dismiss any such Komiti members where, in its absolute discretion, it is satisfied that the member being dismissed:
- a. Has within a year prior to nomination, or has subsequent to nomination, been convicted of a criminal offence;
  - b. Commits any act or omission which brings the name of the Society into disrepute; or
  - c. Displays conduct or does any act or omission which has the effect of hindering or defeating the proper process of the business of the Society or the general promotion of the objects herein.
- 12.3 **No reappointment:** Any Komiti member dismissed pursuant to Rule 12.2 (Dismissal) above shall not be eligible for reappointment as a member of the Komiti.

## 13 **Casual Vacancies of Komiti**

- 13.1 **Casual vacancies:** Where a vacancy occurs on the Komiti, the Komiti may appoint any Member who is not less than 20 years of age to such vacant office until the next Annual General Meeting.

## 14 **Duties and Powers of Secretary and Treasurer**

- 14.1 **Appointment:** The Secretary and the Treasurer shall be appointed by consensus or by majority vote at the first meeting of the Komiti.
- 14.2 **Not to be society member:** The Secretary and the Treasurer need not be a Member.
- 14.3 **Duties and powers of Secretary:** The Secretary shall have the following powers and duties:
- a. **Reporting the Society's affairs:** To provide full and timely reporting of the affairs of the Society, keep proper minutes of the proceedings of all meetings, ensure such minutes shall be signed by the Chairperson, and keep a minute book in which the duly signed minutes shall be affixed or entered.
  - b. **Annual reports:** To prepare immediately prior to each annual meeting an annual report on the business and proceedings of the Society during the preceding twelve months, and to present such report to the Komiti and thereafter to such meeting.

- c. **Correspondence:** To conduct the correspondence of the Society.
- d. **Register of Names:** To keep a register of the Members in accordance with Rule 21 (Register of Members).

14.4 **Duties and powers of Treasurer:** the Treasurer shall have the following powers and duties:

- a. **Collect and receive monies:** To collect and receive all monies due to the Society, and to give a receipt in a form approved by the Komiti, and in no case hold any such monies without the authority of the Komiti for any period exceeding one week, and to bank all such monies in the name of the Society in a bank approved by the Komiti.
- b. **Prepare financial statements:** To prepare immediately prior to each annual meetings a balance sheet and a statement of income and expenditure for the preceding twelve months and to present such documents to the Komiti and thereafter to such meeting, duly audited by the auditor appointed in accordance with Rule 7.1 (e) (Annual General Meeting) and to send a copy to the Registrar within 3 months from the end of the financial year.
- c. **Budget:** To prepare a budget for presentation to the Komiti and thereafter the annual general meeting for the financial year following the annual general meeting.
- d. **Annual returns:** To prepare and forward annual returns of the Society as required by law.

14.5 **Duties and powers of the Secretary and Treasurer**

- a. **All lawful instructions:** To obey all such lawful instructions and to do and perform all such lawful things and acts as may be given or required to be done by a meeting of the Society, the Komiti, the Act, or these Rules.
- b. **Other duties:** To do and perform such other lawful duties as may usually appertain to the offices of Secretary and Treasurer.

15 **Sub-Komiti**

- 15.1 **Sub-Komiti:** The Komiti may at any meeting appoint two or more Komiti members to be a sub-Komiti for the purpose of making any enquiry or for superintending or transacting any business but every act and proceeding of such sub-Komiti shall be submitted to a meeting of the Komiti for approval.
- 15.2 **Co-opt sub-Komiti members:** Any sub-Komiti of the Komiti may co-opt for the purpose of consultation and advice persons who are not Komiti members and may terminate such a co-option.
- 15.3 **Ratify sub-Komiti decisions:** The Komiti may in its discretion ratify decisions made by any sub-Komiti acting under its direction notwithstanding that there may be defects in the appointment of members or persons acting or that such members or persons were disqualified from acting or for any defect in procedure whatsoever.

## 16 **Audit**

- 16.1 **Appointment of Auditor:** If, in any year, the annual income of the Society exceeds \$30,000 for that year, the Komiti shall appoint an auditor who shall not be a member of the Komiti but shall be a member of the New Zealand Society of Accountants.
- 16.2 **Duty of Auditor:** The auditor shall examine and certify the accounts and securities and any other assets of the Society for that year.

## 17 **Financial Accountabilities**

- 17.1 **Financial year:** The financial year of the Society shall be from 1 April to 31 March in each year, or as may otherwise be determined by the Komiti.
- 17.2 **Financial statements to be prepared:** Every year a financial statement shall be prepared showing all the receipts and expenditure of the Society since the preceding statement, and a general statement of the funds, effects, liabilities and assets of the Society. The statements shall be certified by the Komiti as a true and correct record and certified by the auditor and presented to the annual general meeting. The financial statements are to be delivered to the Registrar in accordance with the provisions of the Act.

## 18 **Control of Funds, Income and Property**

- 18.1 **Control of funds:** All funds received by or on behalf of the Society shall be paid into its account in a bank nominated by the Komiti.
- 18.2 **Two signatories on cheques:** All cheques and withdrawal slips shall be signed by two persons nominated by the Komiti, one of the signatories being one of the Komiti members.
- 18.3 **Income and property:** The income and property of the Society shall be applied solely to further the objects of the Society and no portion shall be paid or transferred directly or indirectly by way of dividends, bonuses or profit to individual Members. This shall not preclude any payment to a Member for services rendered or for goods supplied or by way of rent for premises let or leased to the Society by any Member.

## 19 **Common Seal**

- 19.1 **Society shall provide common seal:** The Society shall provide a common seal which shall be in the custody of the Secretary.
- 19.2 **Resolution required before seal affixed:** The seal shall not be affixed to any instrument except pursuant to a resolution of the Komiti and in the presence of two Komiti members.

- 19.3 **Execution clause:** Every such instrument shall have the following execution clause:

“The seal of **Maungaharuru-Tangitu Incorporated** was affixed by the authority of the Komiti and in the presence of:”

or such other execution clause as may be required by law.

## 20 **Registered Office**

- 20.1 **Registrar to be notified of registered office:** The registered office of the Society shall be at such place as the Komiti may from time to time determine and notice of the registered office and any change thereto shall be notified to the Registrar in accordance with the Act.

- 20.2 **Rules available for view:** A copy of these Rules shall be available for viewing by Members at the registered office of the Society in normal office hours, and available by post or by e-mail on request.

## 21 **Register of Members**

- 21.1 **Register of Members to be maintained:** The Secretary shall maintain a register of Members showing in respect of each Member: their full name and address, date of birth, the date of their admission, withdrawal or death, their occupation and all subsequent changes.

- 21.2 **Alterations to register of Members:** The Komiti may resolve to terminate the membership of any person by notice for any of the following reasons.

- a Such Member has brought the name of the Society or any part of its membership into disrepute.
- b Such Member has publicly spoken or acted contrary to the objects of the Society.
- c The Komiti believes on reasonable grounds that such membership has been obtained by deceit, fraud or mistake.

## 22 **Alteration to Rules**

- 22.1 **Alterations to Rules:** Subject to the provisions of the Act these Rules may be amended, rescinded or added to by a special resolution passed by a 75% majority of the aggregate of:

- a. those Voting Members present at an annual or special general meeting of the Society; and
- b. those Voting Members who cast a postal vote pursuant to Rules 8.3 and 8.4 (Postal Votes).

- 22.2 **Notice of resolution:** Notice of such resolution shall be given as prescribed in Rule 7.4 (Notice of Meetings) and not less than 21 days prior to the meeting at which the resolution will be considered.

- 22.3 **Returning officer shall supervise the conduct of the ballot:** For each ballot held under Rule 22.1 (Alterations to Rules) the Komiti shall appoint a returning officer who shall supervise the conduct of the ballot. Komiti members and employees of the Society shall not be eligible to act as a returning officer.
- 22.4 **Declare the results:** The returning officer shall count the ballot at the meeting or meetings and declare the results to the Members.
- 22.5 **Preservation of ballot papers etc.:** All ballot papers, envelopes and other documents used in connection with ballot shall be preserved and retained by the Secretary for a period of one year from the date of the ballot.

## 23 **Winding Up**

- 23.1 **Voluntary winding up:** The Society may be wound up voluntarily in the manner prescribed by section 24 of the Act. The Society may only be wound up if the decision to do so is made at two consecutive general meetings, the second of which must be held at least 30 days after the first.
- 23.2 **Disposal of surplus assets:** In the event that the Society is wound up then any surplus assets after payment of all costs, debts and liabilities and subject to any trust affecting the same, shall be transferred to such organisation or organisations in New Zealand whose objects include, in whole or in part, the objects set out in these Rules or as the Komiti may determine by resolution.
- 23.3 **No individual shall profit:** No individual Member or Members shall profit by the dissolution of the Society.

## 24 **Indemnity**

- 24.1 **Komiti members and officers indemnified:** The Komiti members and officers of the Society are indemnified by the Society against all losses and expenses incurred by them in carrying out their duties except when those actions are in breach of the objects of the Society, or otherwise due to their wilful neglect.

**SCHEDULE 1**

**KOMITI MEMBER PROXY FORM**

**Maungaharuru-Tangitu Inc**

I \_\_\_\_\_ being a Komiti member of Maungaharuru-Tangitu Incorporated hereby appoint

\_\_\_\_\_

a Komiti member, to vote on my behalf as follows:

- either (a) as the proxy holder thinks fit, or
- (b) in line with the following instructions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

at the Meeting of the Komiti to be held on \_\_\_\_\_

or by any adjournment thereof.

Signed by: \_\_\_\_\_

Name: \_\_\_\_\_

On: \_\_\_\_\_

before me:

Witness signature: \_\_\_\_\_

Name: \_\_\_\_\_

Occupation: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

## APPENDIX

# Traditional history of the Hapu

### Ngati Marangatuhetaua (Ngati Tu)

Toi Te Huatahi alias Toi Kairakau, the famous navigator and seafarer established his southern most Pa at Tongoio. From his son Awanuiarangi descended Te Koaupari paramount and founding chief of Otatarā Pa. From Te Koaupari descended Tukapua 1<sup>st</sup> founding ancestor of Ngati Tu.

Ngati Tu traces its ancestry back to Toi and the original people who settled the lands. Ngati Tu occupation has survived and endured the challenges of the ages up to the present day.

### Ngai Tatara/Ngati Kurumokihi

After Kahungunu gained occupation over Maungaharuru Tangitu lands through the colonising chiefs Kahutapere 2<sup>nd</sup> and Tikorua, Taraia 1<sup>st</sup> delegated responsibility to them to exercise Rangatiratanga over the land and its coastline.

Kahutapere 2<sup>nd</sup> married Hineterangi of Ngati Awa, Tikorua married Pania also of Ngati Awa.

Kahutapere 2<sup>nd</sup> and Hineterangi's son Tataramoa is the founding ancestor of Ngai Tatara (moa) and later Ngati Kurumokihi. Tataramoa married Porangi daughter of the Ngati Tu chief Kohipipi of the Te Pohue, Kaiwaka and Tangoio district. These marriage alliances between the invading Ngati Kahungunu and the tangatawhenua brought with it a stabilising influence over the region. It guaranteed that the occupation of the tangatawhenua remained undisturbed, but Kahungunu had established its mana and Rangatiratanga over the land.

### Ngati Whakaari

Whakaari is a descendant of Ngati Tu chief, Kohipipi through his son Te Kaupeka. He is the founding chief of Ngati Whakaari who live at Petane and are a sept of Ngati Tu.

### Ngai Te Ruruku

In the era of the warlord Marangatuhetaua, friction broke out between his people of Ngati Tu and Te Hika a Rautangata who were encroaching on the food stores and fishing grounds of Ngati Tu and Ngai Tatara at Tangoio.

Seeking assistance, Marangatu had heard that a Wairoa chief, Te Ruruku, son of Te Kapuamatotoru was paying a visit to his uncle Te Kahu o Te Rangi at Mohaka and so made a special trip up to Mohaka to discuss his problems.

The result of this visit was that he persuaded Te Ruruku to come down to assist in expelling the troublesome element. Together they waged war against Te Hika a Te Rautangata and defeated them. Te Ruruku was invited by Ngati Tu to live among them. Tribal archives record *Ko Waipatiki na Marangatu i tuku ki a Te Ruruku* (land was gained by Ngai Te Ruruku through *tuku whenua*).

The hapu Ngai Te Ruruku gained their occupation rights through Tuku Whenua and were specific to the descendants of Manuo Meke who was a warlord over the district in his time.

## **Ngai Tahu**

Prior to the raupatu by the Crown in 1867, Ngai Tahu were the hapu who had permanent occupation along the Waikare river. The eponymous ancestor, Tahu, was a contemporary of the Ngati Kahungunu occupation of Heretaunga. Tahu descended from the more ancient Tahu Matua, father of Ira. Tahu's descendant, Te Keu o te rangi, fathered four children: Toenga, Tukapuarangi, Te Whiunga and Hinekaraka. The descendants of these four children were known as Ngati Tahu and those who maintained their occupation were the tangata whenua.

The following hapu were further subdivisions of Ngai Tahu, they were family septs and at the time of the raupatu, were not numerous in number.

Ngati Hikapii	Ngati Tatau
Ngati Hineiro	Ngai Tauhere
Ngati Hinekaraka	Ngai Te Maaha
Ngati Kautata	Ngai Te Paanga
Ngati Moe	Ngai Te Rangitakuao
Ngati Peke	Ngai Te Rongo
Ngati Rangitakuao	Ngai Te Ruatai
Ngati Rauiri (later called Ngati Moe)	Ngati Whakarua

During the time of Te Ruruku and his descendants, Ngai Tahu looked to them and Ngai Tataara for protection. Following the raupatu and the subsequent sale or lease of their lands, Ngai Tahu left the Waikare valley to join hapu in other districts to whom they were affiliated through marriage or family connections. By 1927, the Ngai Tahu people had dispersed and were absorbed largely in to the principle settlements of Tangoio, Petane and Mohaka.

## **Ngati Ira**

Ira is the son of Tahu Matua, ancestor of Ngai Tahu of the Waikare River. Ira is the father of Kahungunu's wife, Iwipupu. Ngati Ira are the descendants of Ira, and are a predecessor hapu to Ngai Tahu.

## **Ngai Te Aonui**

Ngai Te Aonui was a hapu based at Moeangiangi. It obtained its name from Hinekahu, who belonged to a different Ngai Te Aonui based in the Wairoa district. Hinekahu married Rangitirohia II of Ngati Tu. Their son was Mutu, and their descendants became known as Ngai Te Aonui. The hapu took its name from Hinekahu, but its source of manawhenua was through Rangitirohia II. Ngai Te Aonui was later subsumed by Ngati Tu through further intermarriage.

## **Ngati Rangitohumare**

Ngati Rangitohumare takes its name from Rangitohumare, the wife of Te Huki. Te Hauwaitanoa was one of their children. He settled at Arapaoanui, and it was his descendants that became Ngati Rangitohumare. A small hapu, Ngati Rangitohumare has over time been absorbed into Ngati Tu.

**Ngai Tauira**

Tauira was the great grandson of Tunui, the tohunga chief of Heipipi Pa. He was based up on Maungaharuru. Ngai Tauira is an ancient hapu, preceding Ngati Tu.