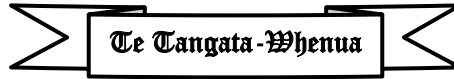


**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**



ANALYSIS

<p>Title</p> <p>Preamble</p> <p>1. Interpretation</p> <p>FIRST SCHEDULE</p> <p style="text-align: center;">PART 1</p> <p>GENERAL MEETING OF SHARE HOLDERS</p> <p>2. Special General Meetings</p> <p>3. Notice of Meeting</p> <p>4. Special Resolution</p> <p>5. Annual General Meeting</p> <p>6. Business of Annual General Meeting</p> <p>7. Chairperson</p> <p>8. Postponement</p> <p>9. Quorum</p> <p>10. Lack of Quorum</p> <p>11. Adjournment</p> <p>12. Right to Vote</p> <p>13. Voting</p> <p>14. Vote on Shareholding</p> <p>15. Disposal of Voting Papers and other Documents</p> <p>16. Time to Lodge Power of Attorney</p> <p style="text-align: center;">PART 2</p> <p style="text-align: center;">PROXIES</p> <p>17. Appointment</p> <p>18. Cancellation and Lapse of Appointment</p> <p>19. Time to Lodge Instrument of Appointment</p> <p style="text-align: center;">PART 3</p> <p style="text-align: center;">POSTAL VOTES</p> <p>20. Postal Vote</p> <p style="text-align: center;">PART 4</p> <p style="text-align: center;">COMMITTEE OF MANAGEMENT</p> <p>21. First Election of Committee</p> <p>22. Term of Office</p> <p>23. Election of Members to Committee of Management</p> <p>24. Interested Members</p>	<p style="text-align: center;">PART 5</p> <p style="text-align: center;">MEETING OF COMMITTEE OF MANAGEMENT</p> <p>25. Procedure and Meetings of Committee of Management</p> <p>26. Teleconference Meeting of Committee</p> <p style="text-align: center;">PART 6</p> <p style="text-align: center;">SHARES</p> <p>27. Minimum Share Unit</p> <p>28. Form of Transfer</p> <p>29. Form of Certificate as to Shareholdings</p> <p>30. Share Registrar</p> <p>31. Registration of Share Transfer</p> <p>32. Registration of Orders</p> <p>33. Share Held in Trust</p> <p>34. Correction Share Register</p> <p>35. Suspension of Registration</p> <p>36. Minutes</p> <p>37. Custody of Books, Records and Seal</p> <p>38. Common Seal</p> <p style="text-align: center;">FIRST SCHEDULE - CONTINUED</p> <p>Constitution Regulation Amendment Act 2000 (No 1)</p> <p>Te Ture Whenua Maori 1995</p> <p>Acts Repealed</p> <p style="text-align: center;">PART 7</p> <p style="text-align: center;">SECOND SCHEDULE</p> <p>Form 1 Appointment of Proxy</p> <p>Form 2 Postal Vote</p> <p>Form 3 Elected Management Committee</p> <p>Form 4 Appointment of Kaumatua/Kuia</p> <p>Form 5 Share Transfer</p> <p>Form 6 Certificate of Shareholding</p> <p style="text-align: center;">PART 8</p> <p style="text-align: center;">THIRD SCHEDULE</p> <p>Te Tangata Whenua o Te Oneone [Native Title Act 2003]</p>
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Title

**Te Ture Whenua Maori/Maori Land Act 1993
Maori Incorporations Constitution Regulations 1994
Amended by
Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

For Adoption upon Incorporation

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

[Preamble]

An Act to clarify the Constitutional Law of Aotearoa (NZ) and to clarify the historical significance and the relationship between the British Crown of the United Kingdom/Kawanatanga and the Maori people of Aotearoa (New Zealand)/Rangatiratanga.

[Preamble]

Whereas the Declaration of Independence 1835 declared the Maori Dominion of Aotearoa an Independent Sovereign State over all whom lived within its territories, at Te Tii Waitangi Marae, on the 28th October 1835.

And whereas in accordance with Articles 2 and 4 of the **Declaration of Independence 1835** Rangatiratanga collectively invited the British Crown (UK) / Kawanatanga to become the parent of its infant state.

And whereas Te Tiriti o Waitangi 1840 imported the British Crown of the United Kingdom/Kawanatanga whom guaranteed to protect all of those rights of independence to Maori and in return for that protection Maori cede to the British Crown occupation and appointed her British Government as trustee of all of their lands in Aotearoa (NZ).

And whereas in exchange for such occupation, governance and trusteeship of all their lands, the British Crown (UK)/Kawanatanga gave back to Maori/Rangatiratanga the legal, beneficial and equitable ownership of their lands, forest, fisheries and other taonga with the first right of the British Crown (UK)/Kawanatanga to purchase, or first right of refusal before all others should Maori/Rangatiratanga o Aotearoa be willing to sell collectively.

And whereas the British Crown (UK)/Kawanatanga in return for the recognition of her British Government, guaranteed protection to the Maori People to the same government that exists in England for her British subjects under her Constitution.

NOW THEREFORE we He Tangata Whenua, o Aotearoa, do hereby reaffirm the **Declaration of Independence 1835** and **Te Tiriti o Waitangi 1840** and the special relationship between Rangatiratanga o Aotearoa and Kawanatanga of the United Kingdom and declare by proclamation of the Prorogative power of the Sovereign in Right of the Dominion/State o Aotearoa (NZ) to the establishment of a Constitution, of a Maori Upper and Lower House Government and Institutions o Aotearoa (NZ), upon all lands and property rights Un-Extinguished of the Native Aboriginal Title.

1. Interpretation

(1) In this constitution, the context requires that:

“The Act” means the Te Ture Whenua Maori Incorporations Act 1995.

“Principal Act” means Te Ture Whenua Maori/Maori Land Act 1993.

“The Committee” means the Management Committee or Tribunal.

“The Court” means court held in accordance with Tikanga Maori and Nga Tikanga Maori Law Society (Inc.) o Aotearoa (NZ) or both.

“The Secretary” means the Registrar being any person appointed to perform the duties of the Secretary of the Incorporation and includes Deputy Registrar.

“Shareholder” means any person holding shares in the company whether as beneficial owner, trustee or administrator in the incorporation.

“Special Resolution” In relation to a Maori incorporation, being a general meeting of which is not less than 21 clear days notice, specifying the intention to propose the resolution as a special resolution, has been duly given.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

First Schedule

Words or expressions contained have the same meaning as in the Te Ture Whenua Maori Incorporations Act 1995.

PART 1 General Meetings of Shareholders

2. Special General Meeting:-

(1) A special general meeting of shareholders may be convened at anytime by the committee, and shall be so convened-

- (a) Upon an order of the Court in the exercise of its power under section 280 of the Act; or
- (b) Upon a requisition in writing signed by shareholders holding in the aggregate not less than 10 percent of the total shares in the incorporation.

(2) Any requisition for the calling of a special general meeting shall state the purpose for which the meeting is required, and shall be served on the Chairperson or the Secretary of the Committee, at the registered office of the Incorporation

(3) On receipt of any requisition made in accordance with sub-clauses (1) and (2) of this rule or any order of the Court for the calling of a special general meeting, the committee shall convene, and fix a time and place for a special general meeting, to be held within 3 Months after receipt of the requisition or order.

3. Notice of Meeting

(1) A general meeting of shareholders (whether an annual general meeting) shall be convened by notifying shareholders in writing of the time and place of the meeting and of the business proposed to be the meeting.

(2) Where a special resolution will be considered at the meeting, the notice must provide for be no less than 21 clear days' notice of the date of the meeting.

(3) Where no special resolution will be considered at the meeting, the notice provide for be no less than 14 clear days' notice of the date of the meeting.

(4) The notice shall be:-

- (a) Posted to every shareholder whose postal address is recorded in the share registrar; or
- (b) Given in such other manner as the shareholders, by special resolution, may have determined at an earlier meeting.

(c) The notice shall specify that no person shall vote as attorney or proxy at the meeting unless a copy of the power of attorney or notice of appointment is lodged at the office of the incorporation no later than 48 hours before the time fixed for the meeting or such later as the chairperson of the committee shall allow.

4. Special Resolution

(1) The following matters are to be dealt with by way of special resolution:

(a) The Regulating and Legislating of Maori Laws, Custom and Usages in accordance with sections 3 and 253 of the Act.

(b) The Constituting of Marae based Courts in accordance with Tikanga Maori styled "The Maori Circuit Court of Assessors" and "The Maori Appellate Court of Assessor", in accordance with Parts I and II of the Act, and in exercise of sections 253 and 284 (2) (u) of the Act.

[Re: The Declaration of Independence 1835 and Te Tiriti O Waitangi 1840, "Tikanga Maori" Common Law Doctrines].

(c) The Acquisition and Recovery of land by the Incorporation in accordance with section 20 and 144 of the Act.

(d) The Constituting of Trusts in accordance with the provisions of Part XII, section 211 (2) of the Act, and under this Act.

(e) The acceptance of Trusts in accordance with section 41a of the Maori Affairs Amendment Act 1967, in accordance with sections 253 and 284 (2) (u) of the Act.

(f) The inclusion in the incorporation of the owners of additional land, property or any other assets under section 251 of the Act.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

- (g) The amalgamation in the incorporation with any incorporation under 252 of the Act
- (h) The Exercise of Full Capacities, Rights, Powers, and Privileges in accordance with section 253 of the Act.
- (i) Restricting or prohibiting the exercise by the Committee of Management.
- (j) The transfer of Maori Freehold land under section 254 (1) (a) (i) of the Act.
- (k) The grant in respect of Maori Freehold land of any lease or license for a term of more than 21 years under section (1) (a) (ii) of the Act.
- (l) The sale or Gift of Maori Freehold land under section 254 (1) (b) of the Act.
- (m) Subject to section 254 of the Act, a special resolution authorizing the sale or gift of Maori Freehold Land under section 254 (1) (b) of the Act shall be voted by shareholders not Less than 75% of the total shares in the incorporation.
- (n) The Acquisition of land or any other property or assets by the incorporation and retaining it as an Investment in accordance with section 256 (1) (a) of the Act.
- (o) The Acquisition of land or any other property or assets by the incorporation and including it in the corpus of the incorporation in accordance with section 256 (1) (b) of the Act.
- (p) The Allocation of Land to Shareholders [and Beneficiaries] in accordance with section 257 of the Act.
- (q) Any other matter of common interest to the shareholders or any of them.

5. Annual general meeting

An annual general meeting of shareholders shall be held in each year, within 6 months after the termination of the financial year of the incorporation, at a time and place fixed by the committee.

6. Business of Annual General Meeting

- (1) The business of annual general meeting shall be as follows:
 - (a) To receive the minutes of the last annual meeting and any general meeting held since the last annual general meeting.
 - (b) To receive and consider the balance sheet, the profit, the loss account, and the other reports and statements required by section 276 (4) of the Act: to be annexed or attached to the balance sheet and, if thought fit, to adopt the same after hearing the auditor's report.
 - (c) To elect persons to fill vacancies in the membership of the Committee of Management
 - (d) To appoint an auditor or auditors under section 277 of the Act.
 - (e) To appoint a share value under section 278 of the Act.
 - (f) To authorize, by resolution:-
 - (i) The payment of an amount by way of dividend to the shareholders pursuant to section 259 (1) of the Act.
 - (ii) Payments for purposes specified in the resolution pursuant to section 259 (1) (b) of the Act.
 - (g) To consider any proposed special resolution of which notice has been duly given.
 - (h) To consider and, if thought fit, dispose of other matters of general business.

7. Chairperson

At every general meeting of shareholders, the chairperson of the Committee of Management shall preside if present, and if the chairperson is absent the Committee shall appoint one of their numbers present to be chairperson.

8. Postponement

At any time before the time fixed for the holding of an general meeting of shareholders, the chairperson of the Committee may postpone the meeting to some other time or may appoint some other place of meeting, as the chairperson may consider expedient, and notice of any such altered time or place shall be duly given in accordance with rule 3 of this constitution.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

9. Quorum

- (1) The quorum for every general meeting of shareholders shall be 3 shareholders or number of shareholders equal to two-thirds of the number of shareholders (whichever is the less) or such other number of shareholders, by special resolution, may have determined at any earlier meeting, and whether in any case the shareholders attend personally or by proxy or by a duly appointed attorney.
- (2) No general meeting shall be deemed to be properly constituted unless at least 3 shareholders are present in person throughout the meeting.

10. Lack of Quorum

- (3) If a quorum is not present within one hour after the time appointed for a general meeting of shareholders or if for any other reason the meeting cannot be held, the meeting shall be adjourned to such other date, time, and place as the committee may appoint and the committee shall give not less than 14 clear days notice of the meeting by advertisement published twice in one or more daily newspapers circulating in the district in which the incorporation's land is situated.
- (4) If a new time and place, or within 1 hour after such time, there has not been a quorum present the meeting shall lapse.
- (5) Where any annual general meeting lapses, the certified balance sheet, the profit and loss account, and the other reports and statements referred to in rule 6 (b) of this constitution shall forthwith be transmitted by the chairperson to the Registrar.

11. Adjournment

The chairperson may, with the consent of the meeting, adjourn any general meeting of shareholders from time to time and from place to place.

12. Right to Vote

- (1) A shareholder may exercise the right to voter either:
 - (a) By being present in person or by proxy or by duly appointed attorney; or
 - (b) If the shareholders by special resolution have so determined at any earlier meeting, by postal vote.
- (2) Any person who is, by virtue of a kaitiaki trust established under section 217 of the Act, the trustee for any shareholder in respect of his or her shares, or by postal vote, in the same manner and on the same conditions as if that person were the shareholder.
- (3) Where 2 or more persons are registered as the holder of the share, the vote of the person named earliest in the share registrar and voting on a matter must be accepted to the exclusion of the votes of the other joint holders.
- (4) The chairperson of a general meeting of shareholders is not entitled to a casting vote.

13. Voting

- (1) Unless a vote at a meeting of shareholders is to be show of hands;
 - (a) Voting at a meeting of shareholders is to be show of hands.
 - (b) Every shareholder present in person or by proxy or by duly appointed attorney shall have one vote only, and a resolution shall be carried if a majority of the votes is in favor of the resolution.
 - (c) A declaration by the chairperson that a resolution has been carried by a majority and an entry to that effect in the minute book of the incorporation shall be sufficient evidence of the fact.

14. Vote on Shareholding

- (1) A vote on shareholding may be demanded either before or after a show of hands is taken on a resolution by-
 - (a) Not less than 5 persons present in person at the meeting and having the right to vote at the meeting; or
 - (b) A person or persons entitled to exercise not less than one-tenth of the total votes of those present in person or by proxy at the meeting.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

- (2) On a vote on shareholding, the voting powers of any shareholder shall be determined by the number of shares held by that shareholder.
- (3) If a vote on shareholding is taken, it shall be taken in the manner directed by the chairperson.
- (4) The secretary with or without some person or persons appointed by the chairperson and approved by the meeting, shall record the voting accordingly and shall compute the aggregate value of votes for and against the resolution and report to the chairperson.
- (5) The chairperson shall declare the resolution to be carried or to be lost accordingly, and if the meeting has otherwise finished its business before the computing is concluded, the chairperson may close the meeting, and, on the conclusion of the computing, declare the result of the vote on the shareholding by an entry in the minute book of the incorporation signed by the chairperson and the secretary and such other person or persons appointed to compute the votes (as the case may be).

15 Disposal of Voting Papers and other Documents

- (1) Where any vote on shareholdings taken, or any vote is taken to elect members to the committee of management, or any proxy or attorney is appointed, the voting papers, notices of appointment, copies of powers of attorney, or certificates of non-revocation (as the case may be) shall be retained intact by the incorporation for 2 months. Thereafter the voting papers other documents described above shall be disposed of as the chairperson directs.
- (2) If within that 2 months, the incorporation receives any written notice that an application has been made to the court to investigate the conduct of any vote on shareholding or appointment of any proxy or attorney, it shall file in the court all the voting papers and other documents described in sub-clause (1) of this regulation to be disposed of as the Court directs.

16 Time to lodge Power of Attorney

- (1) No person shall vote as attorney at a meeting unless:
 - (a) A copy of the power of attorney is lodged at the office of the incorporation not later than 48 hours before the time fixed for the chairperson of the committee may allow.
 - (b) The person appointed as attorney signs, at the meeting, a certificate of non-revocation of the power of attorney and lodges it with the chairperson of the meeting; and:
 - (c) The chairperson of the meeting is satisfied that the appointment is prima facie in order.
 - (d) If any power of attorney or certificate of non-revocation is ruled by the chairperson to be out of order, the reason for the ruling shall be certified on the copy of the power of attorney or the certificate of non-revocation (as the case may be), and the attorney shall not vote at the meeting of shareholders.
 - (e) The chairperson of the meeting shall, on request, give to any person entitled to vote at the meeting an opportunity to inspect any power of attorney or any certificate of non-revocation that has been lodged and to raise any objection to it.

PART 2 Proxies

17. Appointment

- (1) A proxy for a shareholder is entitled to attend and be at a meeting of shareholders as if the proxy were the shareholder.
- (2) A proxy must be appointed by notice in writing in Form 1 in the second schedule to the regulations or to the like effect.
- (3) The notice must be signed by the shareholder and witnessed.
- (4) The notice must state the particular meeting for which the proxy is appointed.
- (5) Any person of full age and capacity, other than a member of the committee, may be appointed as the proxy of any shareholder or any trustee of any shareholder.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

18. Cancellation and Lapse of Appointment

- (1) An appointment as proxy may be cancelled in writing by the shareholder who made the appointment and either lodged at the office of the incorporation before 10 o'clock in the morning of the last working day before the day of the meeting or lodged with the chairperson of the meeting.
- (2) An appointment as proxy shall lapse in accordance with the terms of appointment or on the death of the person giving the proxy or on the cancellation of the appointment as provided in sub clause (1) of this rule.
- (3) If a person who has appointed a proxy attends the meeting personally and notifies the chairperson that he or she is present and a proxy has voted on behalf of that person and the validity of voting has already been completed before that notification to the meeting, that vote shall not be affected thereby.

19. Time to Lodge Instrument of Appointment

- (1) No person shall vote as proxy at a meeting unless the notice of appointment is lodged at the office of the incorporation not later than 48 hours before the time fixed for the meeting or such later time as the chairperson of the committee may allow and unless the chairperson of the meeting is satisfied that the appointment is prima facie in order.
- (2) If any notice of appointment is ruled by the chairperson to be out of order, the reason for the ruling shall be certified on the notice and the proxy shall not vote at the meeting of shareholders.
- (3) The chairperson of the meeting shall, on request, give to any person entitled to vote at the meeting an opportunity to respect any notice of appointment that has been lodged and to raise any objection to the notice.

PART 3 Postal Votes

20. Postal Votes:

- (1) If the shareholders, by special resolution, have so determined at an earlier meeting, a shareholder may exercise the right to vote at a meeting by casting a postal vote in accordance with the provisions of this rule.
- (2) A postal vote shall be in form 2 in the second schedule to the regulations or to like effect, signed by the shareholder and witnessed.
- (3) The notice of a meeting must state the name of the person authorized by the committee of management to receive and count postal vote at that meeting.
- (4) If no person has been authorized to receive and count postal votes at a meeting, or if no person is named as being so authorized in the notice of the meeting, the secretary of the committee is deemed to be so authorized.
- (5) A shareholder may cast a postal vote on all or any of the matters to be voted on at a meeting by sending a notice of the manner in which his or hers share are to be voted to a person authorized to receive and count postal votes at that meeting
- (6) A shareholder who casts a postal vote shall not be counted for the purposes of determining whether a quorum is present at the meeting.
- (7) It is duty of the person authorized to receive and count postal votes at meeting-
 - (a) To collect together all postal votes received by him or her or by the incorporation; and
 - (b) In relation to each resolution to be voted on at the meeting, to count:-
 - (i) The number of shareholders voting in favor of the resolution, and the number of votes cast by each shareholder in favor of the resolutions; and
 - (ii) The number of shareholders voting against the resolution, and the number of votes cast by each shareholder against the resolution; and
 - (c) To sign a certificate that he or she has carried out the duties set out in paragraphs (a) and (b) of this sub clause (which certificate shall set out the results of the counts required by paragraph (b) of the sub clause; and
 - (d) To ensure that the certificate required by paragraph (c) of this sub clause is presented to the chairperson of the meeting.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

- (8) If a vote is taken at a meeting on a resolution on which postal votes have been cast, the chairperson of the meeting must-
- (a) On a vote by show of hands, count each shareholder who has submitted a postal vote for or against the resolution:
 - (b) On a vote on shareholding, count the votes cast by each shareholder who has submitted a postal vote for or against the resolution.
- (9) Where the chairperson of the meeting believes that the postal votes cast in relation to a vote in shareholding were to be taken the result might differ from the result that would be obtained in a show of hands, he or she must call for a vote on shareholding on that resolution.
- (10) The share person of the meeting must ensure that the certificate of postal votes held by him or her is annexed to the minutes of the meeting.

ELECTORAL ACT

PART 4 Committee of Management

21. First Election of Committee

- (1) At the first annual general meeting of shareholders of the incorporation, the shareholders shall-
- (a) Fix the number of members of the committee of management, being not less than 3 nor more than 7; and
 - (b) Elect the members of the committee.
- (2) The number so fixed may from time to time be varied by resolution of the shareholders, but in no case shall the number be reduced below 3 nor increased above 7.

22. Term of Office

- (1) Subject to sub clauses (2) to (4) of this rule, every member of the committee shall hold office for term of 3 years expiring at the end of the Annual General Meeting held in the third calendar year after the calendar year in which the member was elected, unless the member sooner dies or resigns or sooner removed from office.
- (2) Notwithstanding sub clause (1) of this rule, the shareholders may, by special resolution, determine that the term of office of any member of the committee shall expire at such other date as will provide for the rotation of retirement dates.
- (3) If in any calendar year the annual general meeting at which a committee member is due to retire is not held for any reason, the term of office of that member shall expire at the end of that calendar year.
- (4) Every member who is elected to fill any extraordinary vacancy caused by death, resignation, or removal from office of any member shall hold office for the remainder of the term for which his or her predecessor was elected.
- (5) In this rule “calendar year” means a period of 12 months ending with the 31st day of December.

23. Election of Members to Committee of Management

- (1) The election of persons to fill vacancies in the committee shall be conducted at the annual general meeting unless the Court in any particular case orders the holding of special general meeting for this purpose, or unless the meeting convened for that or any other purpose.
- (2) Subject to sub clause (3) of this rule, nominations for any election of persons to fill vacancies in the committee shall be made in writing signed by the shareholder making the nomination and accepted in writing by the person nominated, and shall be lodged at the registered office of the incorporation or such other address as may be specified by the committee from time to time.
- (3) A member of the committee who pursuant to rule 22 of this constitution, is due to retire at the meeting at which the election is to be conducted shall be deemed to have been nominated for the election in accordance with this regulation unless that member lodges at the date fixed for the meeting, written notice to the effect that the member does not accept nomination for the election.
- (4) No nomination shall be received later than 3 clear days before the date fixed for the meeting.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

- (5) If the number of eligible persons so nominated does not exceed the number of members to be elected, the chairperson of the meeting shall declare the persons nominated to be elected.
- (6) Subject to sub clause (4) of this rule, if the number of eligible persons so nominated exceeds the number required pursuant to this rule, the chairperson shall call upon the meeting to elect from the persons nominated the number required, and the secretary, with or without some person or persons appointed by chairperson and approved by the meeting, shall count the votes cast for each person nominated and report the results to the chairperson.
- (7) Where the secretary has been nominated to fill a vacancy in the committee and an election is required pursuant to this rule, the chairperson shall appoint some other person approved by the meeting (other than secretary) to carry out the duties of the secretary under sub clause (6) of this rule.
- (8) This chairperson shall declare those persons (being not more than the number of persons required to be elected) who have received the highest number of votes to be elected. The result shall be declared by entry in the minute book.
- (9) If the number of eligible persons nominated in accordance with this rule is less than the number required to be elected, the chairperson shall declare the persons nominated to be elected and shall invite nominations from the meeting to fill the remaining vacancies.
- (10) No person nominated from the meeting shall be eligible for elections unless that person accepts the nominations in writing.
- (11) A list of the persons elected shall forthwith be prepared by the chairperson in Form 3 in the second schedule to the regulations or to the like effect and signed by the chairperson.
- (12) The list shall be countersigned by the secretary who shall then forward it to the registrar.

24. Interested members

- (1) No person shall be disqualified from being elected or from holding office as a member of the committee by reason of his or her employment as a servant or officer or the incorporation, or his or her being interested or concerned in any contract made by the incorporation.
- (2) No member of the committee shall vote or take in the discussion on any matter before the committee that directly or indirectly affects the persons' remuneration or the terms of his or her employment as a servant or officer of the incorporation, or that directly or indirectly affects any contract in which that person may be interested or concerned.

PART 5 Meeting of Committee of Management

25. Procedure and Meetings of Committee of Management

- (1) Subject to the provisions of the Act and subject to any conditions imposed by resolution passed at a general meeting of shareholders, the members of the committee may meet together for dispatch of business, adjourn, and otherwise regulate their procedures as they think fit.
- (2) A quorum at such meetings shall be a majority of the members for the time being in office, but not less than 3 members.
- (3) A committee shall, as required by section 273 of the Act, elect a chairperson of the committee, appoint a secretary of the incorporation, and appoint some place to be the registered office of the incorporation, and from time to time thereafter shall in the same manner fill any vacancy in the office of chairperson or secretary and may change the registered office.
- (4) Particulars of such elections and appointments and all change therein shall be supplied to the Registrar in form 4 in the second schedule to the regulations or to the like effect.
- (5) Meetings of the committee shall be called by the chairperson or may be held at such times and places as may be fixed by resolution of the committee.
- (6) Any 2 members may at any time require the chairperson or the secretary to summon a meeting.
- (7) Unless convened with consent of all the members, not less than 3 clear days' notice of any meeting shall be given to every member of the committee.
- (8) A notice sent to a member's usual residential address, within the prescribed time, shall be sufficient notice for the purposes of sub clause (7) of this rule.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

- (9) If at any meeting the chairperson is not present at the time appointed for holding the meeting the members shall choose one of their number to be chairperson, and the person so chosen shall have and may exercise at that meeting all the powers of the chairperson.
- (10) Questions arising at any meeting shall be decided by a majority of members present, but 3 members at least shall concur in every act of the committee.
- (11) In the Case of any equality of votes, the chairperson shall, in addition to a deliberative vote, have a casting vote.
- (12) The proceedings of every meeting shall be recorded in a minute book.

24. Teleconference Meeting of Committee

- (1) The contemporaneous linking together by telephone or other means of instantaneous audio (or audio visual) communication of a number of the committee of management not less than the quorum, whether or not any one or more of the members is out of Aotearoa (New Zealand), shall be deemed to constitute as meetings of committee and shall apply to such meetings so long as the following conditions are met;
- (a) All members for the time being entitled to receive notice of a meeting of the committee shall be entitled to notice of a meeting by telephone or other means of communication and to be linked by telephone or such other means for the purpose of such meeting;
- (b) Each of the members taking part in the meeting by telephone or other means of communication, and the secretary, must throughout the meeting be able to hear each of the other members taking part.
- (2) A member, may not leave a meeting conducted pursuant to this rule by disconnecting his or her telephone or other means of communication unless he or she has previously obtained the express consent of the chairperson of the meeting and a member shall be conclusively presumed to have been present and to have formed part of the quorum at times during the meeting by telephone or other means of communication unless he or she has previously obtained the expressed consent of the chairperson of the meeting to leave the meeting as aforesaid.
- (3) A minute of the proceedings at such a meeting by telephone or other means of communication shall be sufficient evidence of such proceeding and of the observing of all necessary formalities if certified as a correct minute by the chairperson of the meeting or by the secretary.

PART 6 Shares

27. Minimum Share Unit

- (1) The shareholders may from time to time, by special resolution, fix a special resolution; fix a specified number of shares as the minimum share unit for the Incorporation.
- (2) No shareholder shall transfer to any person any number of shares that would reduce the number of shares of the transferor to less than the minimum share unit.
- (3) No shareholders shall transfer to any person any number of shares less than the minimum share unit unless-
- (a) The shares being transferred comprise all the shares of the transferor; and
- (b) The shares are being offered to-
- (i) An existing shareholder, or
- (ii) The Incorporation, or trustee, on behalf of a pūtea trust or whānau trust.

28. Form of Transfer

- (4) A share transfer shall be in form 5 in the second schedule to the regulation or the like effect, and shall be signed by the transferor and witnessed.
- (5) The witness shall add, alter his or her signature, his or her occupation and address.

29. Form of Certificate as to Shareholdings

- (1) Any certificate as to shareholdings issued under section 263 (4) of the Act shall be in Form 6 in the second schedule to the regulation.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

30. Share Register

- (1) The share register of the incorporation shall be kept at the registered office of the incorporation.
- (2) The register, shall during office hours, be open to the inspection of, any shareholder without charge and any other person on payment of such amount (if any) as may be determined by the shareholders by special resolution.

31. Registration of Shares Transfer

- (1) An application for the registration of the share transfer shall be made in writing to the committee of management and accompanied by a completed share transfer form.
- (2) No share transfer shall be registered in the share register except on the direction of the committee of management, which shall be entitled first to require further evidence as to the authenticity of any share transfer and to satisfy itself that:
 - (a) The Transfer is the registered holder of the shares; and
 - (b) The Transfer is a person to whom the shares may be alienated in accordance with Part VII of the Act.

32. Registration of Orders

- (1) Upon receipt to any order of the court for the vesting in any person of any share in the incorporation, the secretary shall, as soon as is practicable, amend the share register in accordance with the terms of the order and notify the committee of management that the amendment has been made.

33. Share Held in Trust

- (1) The trustees of the putea trust or whanau trust to which any shares in the incorporation belong may have their names entered in the share as the owners of the shares upon the direction of the committee of management, which shall be entitled first to require further evidence that:
 - (a) The Shares belong to the trust; and
 - (b) They are duly appointed as the trustees of the trust.
- (2) Where any person holds any shares in the incorporation in a representative capacity, that fact shall be recorded beside that person's name in the share register, but it shall not be necessary for the incorporation or any officer of the incorporation or any other person to go behind that entry in respect of any matter relating to shares.

34. Correction Share Register

- (1) No correction shall be made to the share register except with the approval and on the direction of the committee, which shall be enter first to require further evidence as to the authority for any proposed correction, and an indemnity against claims consequential upon any such correction.

35. Suspension of Registration

- (1) The registration of transfer and orders or the Court may be suspended from time to time for such period (not exceeding 30 days in any year) as the committee may determine.

36. Minutes

- (1) The proceeding of every general meeting of shareholders and every meeting of the management committee of management shall be recorded in a minute book.
- (2) Minutes which have been signed correct by the chairperson of the meeting are prima facie evidence of the proceedings.

37. Custody of Books, Records and Seal

- (1) The books and records of the incorporation and the committee and the Common Seal of the incorporation, and of the committee, shall be kept in the Custody of the Secretary [at the registered office of the incorporation] or such other [Place or Places] as the committee shall appoint.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

38. Common Seal

(1) The Common Seal shall consist of a stamp or a die approved for the present, by Nga Tikanga Law Society (Inc.) O Aotearoa (NZ) whereon is engraved or impressed the legible character name of the Incorporation so constituted by Nga Tikanga Maori Law Society (Inc.) O Aotearoa (NZ).

(2) Every Maori Incorporation's Seal shall be impressed by the Registrar of that Incorporation and when so impressed shall be binding upon that Incorporation and shall not bind any other Incorporation within that Incorporations Native Waka District.

(3) The Registrar of Nga Tikanga Maori Law Society (Inc.) O Aotearoa (NZ) shall hold in custody for the present the Common Seal for every Native Waka District and shall be authorized to impress that Waka Seal upon besluit of a common resolution of the seven incorporations within a specified Native Waka District and subject to a resolution of the Nga Tikanga Maori Law Society (Inc.) O Aotearoa (NZ) authorizing the sealing of any document.

(4) Upon the confirmation and sealing of any such document in accordance with subsection 2 of this regulation shall be binding on that Native Waka District to be entered at the opening of the Upper House of the Maori Parliament on the 26th – 28th of October of each and every year to be passed into legislation on the 4th, 5th 6th February of the following year being the closing date of the opening of the Upper House of Parliament of Aotearoa (NZ).

(5) The Common Seal of the Registrar General may be exercised by that person appointed to that position by the Directors of the Nga Tikanga Maori Law Society (Inc.) O Aotearoa (NZ) and may be impressed only upon a special resolution passed by the Directors at a meeting of the Directors.

(6) The Common Seal of Nga Tikanga Maori Law Society (Inc.) O Aotearoa (NZ) shall be the Common Seal of the Upper House held in the Custody, for the present, by the Chief Executive Officer of Nga Tikanga Maori Law Society (Inc.) O Aotearoa (NZ) and to which any document being affixed by that Seal shall be the highest and binding Order in counsel with the assembly of the Maori Leaders of Aotearoa (NZ).

[Amended by Section 17 (3) of Te Ture Whenua Amendment Act 1994].

This here Constitution has been read and passed

First Schedule - continued

**Title Te Ture Whenua Maori Incorporations
Constitution Regulations Amendment Act 2000 (No 1)**

Native/Aboriginal Title
[Territorial]
He W(h)akaputanga O Te Rangatira O Nu Tirani
[28th October 1835]
Maori Version

1. KO MATOU, ko nga Tino Rangatira o nga iwi o Nu Tirani I raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau i te ra 28 o Oketopa 1835, ka w(h)akaputa i te Rangatiratanga o to matou w(h)enua a ka meatia ka w(h)akaputaia e matou he w(h)enua Rangatira, kia huaina, Ko te w(h)akaminenga o nga Hapu o Nu Tirani.

2. Ko te Kingitanga ko te mana i te w(h)enua o te w(h)akaminenga o Nu Tirani ka meatia nei kei nga Tino Rangatira anake i to matou huihuinga, a ka mea hoki e kore e tukua e matou te w(h)akarite

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

ture ki te tahi hunga ke atu, me te tahi Kawanatanga hoki kia meatia i te w(h)enua o te w(h)akawakarite ana ki te ritenga o matou ture e meatia nei matou i to matou huihuinga.

3. Ko matou ko nga Tino Rangatira ka mea nei kia huihui ki te runanga ki Waitangi a te ngahuru i tenei tau i tenei tau ki te w(h)akarite ture kia tika te hokohoko, a ka mea ki nga tauwiwi o runga, kia w(h)akarerea te wawai, kia mahara ai ki te w(h)akaoranga o to matou w(h)enua, a kia uru ratou ki te w(h)akaminenga o Nu Tirani.

4. Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou w(h)akaputanga nei ki te Kingi o Ingarani hei kawe atu i to matou aroha nana hoki i w(h)akaae ki te kara mo matou. A no te mea ka atawai matou, ka tiaki i nga pakeha e noho nei i uta, e rere mai ana i te hokohoko, koia ka mea ai matou ki te Kingi kia waiho hei matua ki a matou i to matou Tamarikitanga hei w(h)akakahoretia to matou Rangatiratanga.

KUA WHAKAAETIA katoatia e matou i tenei ra i te 28 Oketopa, 1835, ki te aroaro o te Reireneti o te Kingi o Ingarani.

Native/Aboriginal Title
[Territorial]
Declaration of Independence
[28th October 1835]
He W(h)akaputanga o Te Rangatira o Nu Tirani
English Version

1. We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi in the Bay of Islands on this 28th day of October, 1835, declare the Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of the United Tribes of New Zealand.

2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.

3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and we cordially invite the Southern tribes to lay aside

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.

4. They also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for his acknowledgement of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.

Agreed to unanimously on this 28th day of October, 1835, in the presence of His Britannic Majesty's Resident.

Native/Aboriginal Title
[Territorial]
The British Crowns Feudal (Protectorate) Title of New Zealand
Declaration of Independence
[28th October 1835]
Extract of a Dispatch from – “Lord Glenelg”
To
Major-General “Sir Richard Bourke”.
New South Wales
Dated 25th May 1836
Place: Downing Street

I have received a letter from Mr. Busby (British Resident in New Zealand) enclosing a copy of a Declaration made by the Chiefs of the Northern parts of New Zealand, setting forth the Independence of their Country, and Declaring the Union = [Incorporation] of their respective tribes into One State, under the designation of United Tribes of New Zealand.

I perceive that the Chiefs at the same time came to a resolution to send a copy of their Declaration to “His Majesty” [King William] to thank him for his acknowledgement of their Flag, and to Entreat that in return for;

“The Protection and Friendship” which they have shown, and are prepared to show,
To such “British Subjects” as have settled in their Country or Resorted to its shores,
For the “Purpose of Trade”

“His Majesty” will continue to be “The Parent” of their Infant State”,
“Its (External) Protector”

From “All Attempts on its Independence”

With reference to the desire which the “Chiefs have expressed” on this occasion;

To Maintain a Good Understanding” with “His Majesty’s Subjects”, it would be proper,
That “They should be assured, In His Majesties Name”,

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

That “He Will Not Fail to Avail Himself of Every Opportunity of Showing His Good Will”,
And of “Affording to those Chiefs such Support and Protection as may be consistent with a due regard to the Just Rights of Others”, and to “The Interest of His Majesties Subjects”.

Native/Aboriginal Title
[Territorial]
Te Tiriti O Waitangi
[6th February 1840]
Maori Version

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou Rangatiratanga me to ratou W(h)enua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua w(h)akaaro ia he mea tika kia tukua mai tetahi Rangatira-hei kai w(h)akarite ki nga Tangata maori o Nu Tirani kia w(h)akaaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahi katoa o te W(h)enua nei me nga Motu, na te mea hoki he toko maha ke nga tangata o tona Iwi Kua noho ki tenei w(h)enua, a e haere mai nei.

Na, ko te Kuini e hiahia ana kia w(h)akaritea te Kawanatanga kia kua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi, hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianei, amoa atu ki te Kuini; e mea atu ana ia ki nga Rangatira o te W(h)akaminenga o nga Hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

KO TE TUATAHI

Ko nga Rangatira o te W(h)akaminenga me nga Rangatira katoa hoki ki hai i uru ki taua W(h)akaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu te Kawanatanga katoa o ratou W(h)enua.

KO TE TUARUA

Ko te Kuini o Ingarani ka w(h)akarite ka w(h)akaae ki nga Rangatira, ki nga hapu, ki nga tangata katoa o Nu Tirani, “Te Tino Rangatiratanga” o ratou w(h)enua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te W(h)akaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi W(h)enua e pai ai te tangata nona te W(h)enua--ki te ritenga o te utu e w(h)akaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

KO TE TUATORU

Hei w(h)akaritenga mai hoki tenei mo te w(h)akaaetanga ki te Kawanatanga o te Kuini o Ingarani nga tangata maori katoa o Nu Tirani, ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

Na ko matou ko nga Rangatira o te W(h)akaminenga o nga hapu o Nu Tirani, ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia, ka w(h)akaaetia katoatia O matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

Native/Aboriginal Title
[Non Territorial]
Te Tiriti O Waitangi
[6th February 1840]

**MAORI TO ENGLISH TRANSLATION, INTERPRETATION AND LEGAL
UNDERSTANDING.**

Victoria, Queen of the England in her concern to Protect the Chiefs and Sub Tribes of New Zealand in her desire and to preserve to them their Chieftainship and their Land and to maintain continually also the Peace to them and the quiet living therefore has considered she a right thing to give a Chief [Governor] one who will arrange with the Maori People of New Zealand to reach an agreement between the Chiefs for the Government [Fiducial Duty or Trusteeship] of the Queen to be upon all places of this Land and the Islands because also there are many other people of Her Tribe who live and will live on these Lands, and are still coming here. So the Queen desires to Establish Her Government [Parliament of Westminster & House Of Lords] so that no evil will come to the Maori People from the European living on their [The Maori Chiefs] Land without Laws. So it has please the Queen to allow me WILLIAM HOBSON a Captain in the Royal Navy to be Governor for all the Places of New Zealand to be received hereafter to the Queen and so is making with the Chiefs of the Confederation of the Sub-Tribes of New Zealand and other Chiefs these Laws as set out here.

[This is] THE FIRST

The Chiefs of the Confederation and the Chiefs all also who have not entered that Confederation give also Absolute to the Queen of England for the Government [Parliament of Westminster & House of Lords] all of their land. [Under Fiducial Duties of Trusteeship and the Chiefs of the Tribes and Sub Tribes of New Zealand Exercised their Full Rights, Powers and Privileges under Article II of the “Declaration of Independence 1835 (NZ)”], (Refer to Section 253 of Te Ture Whenua Maori Land Act 1993).

[This is] THE SECOND

The Queen of England arranges and agrees to give the Chiefs of all Sub Tribes of the Maori People of New Zealand the Unqualified Exercise of their Chieftainship over their Lands, their Villages, and over all other Treasures [Native Aboriginal Title = He Taonga Tuku Iho]. But on the other hand the Chiefs of the Confederation and the Chiefs all will give to the Queen the Sale and Purchase of those Lands [as] is Willing [to sell] the person owning the land for the price agreed between them[viz The Tribes, Sub Tribes in accordance with Tikanga Maori Customary Ownership Tenure]. And the purchaser Appointed by the Queen [The Governor] as an agent Purchase for Her. [Notwithstanding any Enactment of Statute nor Regulation made by the Settlers & Immigrants Parliament (NZ) in contravention with this Provision Shall be of any force or effect nor to be Construed as to have Extinguished the Native Aboriginal Title of any part or Parts of New Zealand.]

[This is] THE THIRD

For the Arrangement therefore and for the Agreement concerning the Government of the Queen, All the Maori People of New Zealand will be Protected by the Queen of England and will give to them All the Rights and Duties All in Equal Measure that apply under Her Constitution to the People of England. [Equals; the Rights and Duties to the Establishment of; Te Paramata Tino Rangatiratanga O Aotearoa or “The Upper House of Crown & Maori Legislative Privy Council (NZ)"] (Refer Preamble, Sections 2, 3, 4, 5, Part XIII, Sections 247, 250, 252, 253, 253A, 270, 271, & 284/93 and Section 268(3) of Section 17 of Te Ture Whenua Maori Amendment Act 1994 and The Maori Incorporation Constitution Regulations Act 1995 = any provision of the Act of Regulation may be Altered, Added to or Replaced].

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

So we the Chiefs of the Confederation and the Chiefs of the Sub tribes of New Zealand meeting here at Waitangi are therefore the Chiefs of New Zealand having seen the shape of the words being accepted and agreed all by us, thus recorded our names and Marks.

Done this at Waitangi on the Sixth day of the Days of February in the year of One Thousand, Eight Hundred and Forty of Our Lord.

**International Statute's of
"The Imperial Parliament of Westminster (UK)"
House of Commons & Lords
Upper House of the British Empire & Commonwealth
["Authorization Royal (Incorporations) Charter"]
"Kawanatanga"
Constitution Enforcement of Maori Laws, Customs & Usages [UK & NZ]
And
The Native Aboriginal Title and Property Rights
(1)**

International Statute Law

[9 and 10 Vic c. Section 10]

N.Z Constitution Act 1846 [UK]

Extract Reads: "In cases arising between the Aboriginal Inhabitants [Tangata Whenua/ Maori people] of New Zealand alone....The Courts and Magistrates of the same province.....Shall enforce such Native Laws, Customs and Usages as aforesaid".

International Statute Law

"Provisions to Maori Laws, Customs:- And where it may be expedient that the Laws, Customs and Usages of the Aborigines or [Maori] Inhabitants of New Zealand, so far as they are not repugnant to the greater principles of humanity, should for the present be maintained for;

The Government of Themselves, in all relations and Dealings with Each Other, and that particular Districts should be set apart Within which such Laws, "Customs or Usages should be so Observed" and "It shall be Lawful for Her Majesty, by any Letters Patent to be Issued under the Great Seal of United Kingdom, from time to time to make provision for the purpose aforesaid, any repugnancy of any such [Maori] laws, Customs or Usages to the Law of England, or to any Law, Statute, or Usage in Force in New Zealand in Anywise Notwithstanding.

International Common Law

[Privy Council.(1919) NZPCC 1.] & [J.E.H.Murphy MMC pg 95-95]

Hineiti Rirerire Arani Vs Public Trustee.

Extract Reads:

"Maori Customary Law is to be treated as enjoying Legally Recognizable Status in Pakeha/British Colonial Courts of the British Empire in the Absence of any Statute indicating otherwise".

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

**International Statute's of
"The Imperial Parliament of Westminster (UK)"
House of Commons & Lords
Upper House of the British Empire & Commonwealth
["Authorization Royal (Incorporations) Charter"]
"Kawanatanga"
Constitution Enforcement of Maori Laws, Customs & Usages (UK & NZ)
And
The Native Aboriginal Title and Property Rights
(2)
Native Aboriginal Title**

[Privy Council. (1900-1901)[1840 -1932][NZPCC at 382.]

in

[Niheaha Tamaki Vs Baker & Wallis Vs Solicitor General].

(J.E.H.Murphy MMC pg's 118-119, 117 and 113. (in reference order)

Extract Reads: The Privy Council determined that, "The Title of the Maori Tribes to their Traditional Land was recognized both by Statute and the Common Law".

Lord Watson referred to the numerous Statutes which by referring to the "Native Title" (or such Like) plainly assumed "The Existence of Tenure of Land under Customs and usages", "Which is either known to Lawyers or Discoverable by them by evidence".

"He was unwilling to accept that the issue of a Crown Grant amounted to Extinction of the Tribal (Native) Title".

The Privy Council's Refusal to accept that the Issue of a Crown Grant for a particular area of Land Legally Extinguished the Tribal Right over the Land", coincided with Johnsson Vs McIntosh and Symond's. The Privy Council thus determined that the Crown lack Prerogative Power in relation to the Tribal/Native or Aboriginal Title to Lands.

Lord Watson stated for the Privy Council "That it was sufficient for the purpose of this case that there has been vested in the Crown a substantial Paramount Estate, underlying the Tribal/Native or Aboriginal Title"

In Wallis Vs Solicitor General presented in this case was the Status of a Tribal Grant of Traditional Lands in 1848, to the Bishop of Wellington in order that a school might be established.

"The Settlers & Immigrants Government through its Native/Maori Land Court subsequently issued a Crown Grant to the Bishop of Wellington; the Solicitor General argued that the Crown Grant gave the Bishop full legal title to the Land, freed to the Land, freed from the agreement reached with the Tribe: The Court of Appeal in New Zealand agreed with this argument".

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

**International Statute's of
"The Imperial Parliament of Westminster (UK)"
House of Commons & Lords**

Upper House of the British Empire & Commonwealth
["Authorization Royal (Incorporations) Charter"]

"Kawanatanga"

Constitution Enforcement of Maori Laws, Customs & Usages (UK & NZ)

And

The Native Aboriginal Title and Property Rights

(3)

But on Appeal to the Privy Council, "The Council would have none of that". The Privy Council blasted the Court of Appeal's (NZ) willing acceptance that Settlers & Immigrants Government & Native/Maori Land Courts administration of the Native/aboriginal Title was a Non-Justifiable regal discretion, certainly not flattering to the Independence of the Highest Court in New Zealand.

Lord MacNaughten stated for the Privy Council "That it was for the Court of Appeal, NOT the settlers & Immigrants Government/Native/Maori Land Court (Executive & Creatures) to determine what [was/is] a breach of Trust"

The Privy Council stated on its Final Decision "Rather Late in the Day for The Colonial Bench In New Zealand to Deny the Tribal/Native Title Legal Status"

Local National Statute Law

Preamble, Section 2, 3, 4, pg 8-12, Sections 5, 27, 28, 32, 33, 61, 62, 349 and Part XIII, (Maori Incorporation = Rangatiratanga/Kaitiakitanga), Mana Whenua, Mana Tangata, Legal Entity & Status and Under Te Ture Whenua Maori Act 1993/95.

Comment:

Because there are to many words and section of the (Statute) Te Ture Whenua Maori Act 1993 and Its amendments to include in the document, it is asked that the Act itself be referred to and read in conjunction with the above Local National Statute Laws.

[Section 349 of Te Ture Whenua Maori Act 1993]. Extract Reads:

"Declaratory Judgment Act 1908" not effected – Nothing in this Act shall Limit or affect any jurisdiction of the High Court or the High Court of Appeal by the Declaratory Judgement Act 1908.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

**International Statute's of
"The Imperial Parliament of Westminster (UK)"
House of Commons & Lords**

Upper House of the British Empire & Commonwealth
["Authorization Royal (Incorporations) Charter"]

"Kawanatanga"

Constitution Enforcement of Maori Laws, Customs & Usages (UK & NZ)

And

The Native Aboriginal Title and Property Rights

(4)

[Section 2 of the Declaratory Judgment Act 1908]. Extract Reads:

Declaratory Judgment – No Action or Proceeding in the [High Court] shall be open to Objection on the grounds that a merely declaration judgment or order is sought thereby, and the said Court may make Binding Declarations of Right, whether any consequential Relief is or could be claimed or not".

[Section 12 of the Declaratory Judgment Act 1908]. Extract Reads:

"Decisions of the Court of Appeal to Bind All Other Courts – Subject to any decision of the Privy Council, any decision of the Court of Appeal under this Act Shall be Binding as a Precedent in all other Courts in New Zealand".

The New Zealand Constitution Act 1846 [UK]

[Section 10, 9 & 10 Vic c. 103]

[MMC pg 9])

1. In cases arising between the Aboriginal Inhabitants of New Zealand Alone.... The Courts and Magistrates of the same province..... Shall enforce such Native/[Maori/Tangata Whenua] Laws, Customs and Usages as aforesaid.

(2) The High Court may State Case for Te Kooti Rangatiratanga, where-

(a) Any question of fact relating to the Interest or Personal Property arises in the High Court; or

(b) Any question of Tikanga Maori arises in the High Court - the Court may state a case and refer the same to Te Kooti Rangatiratanga or Te Kooti Kaitiakitanga.

(3) In cases stated to Te Kooti Kaitiakitanga that Kooti shall –

(a) Consider any case referred to it under subsection (2) of this section, and

(b) Transmit a Certificate of its opinion on the matter to the High Court or to Te Kooti Rangatiratanga as the case may require.

(4) The High Court May refer back any case to Te Koti Kaitiakitanga or to Te Koti Rangatiratanga for further considerations.

(5) Subject to subsection (4) of this section where the High Court has stated a case for the opinion of Te Kooti Kaitiakitanga on any question of Tikanga Maori, the opinion of Te Kooti Kaitiakitanga on that question Shall be Binding on the High Court.

(The Provision of Section 61:93 under section 268 (3) of section 17:94 are-)

[Hereby, Altered, Added to and Replaced]

[All references to the Maori Land Court and The Maori Appellate Court are hereby Repealed]

(6) Declaratory Judgment Act 1908 not affected [Section 349/93].

(a) Nothing in this Act shall limit or affect any jurisdiction conferred upon the High Court, Court of Appeal by the Declaratory Judgment Act 1908.

(7) Declaratory Judgments – No action or proceeding in the [High Court or Court of Appeal] Shall be open to objection on the ground that a mere Declaratory Judgment or Order is sought thereby, and the said Courts may, make Binding declarations of Right, weather Consequential Relief is or could be Claimed or Not.

(8) Decision of the Court of Appeal to Bind All other Courts – Subject to any Decision of the Privy Council, and any Decision of the Court Of Appeal or Te Koti Rangatiratanga under this Act, Shall be Binding as a Precedence in all other Courts in New Zealand.

[All Provisions of the Declaratory Judgment Act 1908 inclusive of the Addition thereto are-]

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

[Hereby Adopted, Section 253/93 and Section 268 (3) of Section 17: 1994].

(9) No Decision of Te Kooti Rangatiratanga Shall be open to Appeal in any Other Court In New Zealand, where the Native or Aboriginal Title has Not Been Extinguished.

(Subsection (9) of this Section is hereby Added to pursuant to Section 253: 93 and Section 268 (3) of Section 17: 1994)

**The New Zealand Constitution Act 1852 (UK)
(Section 71.)**

(1)

(1) Provision as to Maori Laws and Customs: - And where it may be expedient that the Laws, Customs, and Usages of the Aboriginal or [Maori] Inhabitants of New Zealand, so far as they are not repugnant to te general principles of humanity, should for the present be maintained for the Government of themselves, In their relations to and dealings with each other, and that particular Districts should be set apart, within which such Laws, Customs, or Usages should be so Observed.

(2) Tikanga Maori means Maori Laws, Customs and Usages, Constituted, Legislated and Regulated under the provisions of Section 3, Part XIII, Section 253, 253A/93 and Section 268 (3) of section 17 of Te Ture Whenua Maori Amendment Act 1994.

(3) Tangata Whenua means Aboriginal or [Maori] Inhabitant of Aotearoa (New Zealand).

(4) Tino Rangatiratanga means [Independent Sovereign] Government of themselves, In All their Relations to and Dealing with each other, pursuant to Articles 1, 2, 3 of the Declaration of Independence 1835, Article 2 of Te Tiriti O Waitangi 1840 and in particular under the provisions of Part XIII, Section 247 of Te Ture Whenua Maori Land Act 1993. [(Maori Mandatory Sovereignty) – Re Vattel MMC pg's 13-14.]

(5) Whenua Means All Lands in New Zealand by which the Native Title or Aboriginal Title has Not Been Extinguished in accordance with the British Crowns Right of Pre-emption under the provision of Article 2 of Te Tiriti O Waitangi and in particular under the provisions enacted under The (former) “Native District Regulation Act 1858, No 4, Section 1 to 11”; and –

(a) In terms of Section 8 of “The Native Districts Regulation Act 1858 No 4”, “Both Houses of the General Assembly” means “The Imperial Parliament of Westminster (UK) which includes The House of Lords “Kawanatanga” (UK)” AND “The Upper House of Maori (NZ) and CROWN (NZ)” Constituted under Section ??? of this Act, and to be known as Te Paramata Rangatiratanga (NZ)”.

(b) Notwithstanding any enactment of the Lower House of (the Settlers and Immigrants) Representatives, weather made before or after the commencement of this Act or made in contravention of this Act or any terms of –

- (i) “Article 2 of the Declaration of Independence 1835”, or
- (ii) “Article 2 of Te Tiriti O Waitangi 1840”, or
- (iii) “The New Zealand Constitution Act 1852 (UK) Section 71, or
- (iv) “The Native District Regulation Act 1858 No 4”, or
- (v) “The Native Circuit Courts Act 1858 No 5”, or
- (vi) “The Native Land Courts Act 1894, Part II.

(c) Shall have no Force or Effect and Shall not be deemed to have Extinguished the Native or Aboriginal Title nor Binding on the British Crown (UK) nor Maori (NZ), by reason that the Lower House of (the Settlers and Immigrants) Parliament (NZ) Lack the Prerogative Power in relation to the “Native or Aboriginal Title and Maori Affairs, notwithstanding the Maori Electorates within and Part of the Settlers and Immigrants Parliament of New Zealand who have No Constitution Aspect and,

(Referred to by Royal Commission Report on the Electoral System, 1986). [MMC Pg 41]
(Clause (b) Refer Section 5 Native Lands Regulations Act 1858 No 5)

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

(d) That such Parliament Lack Prerogative Power to Legislate and Regulate on matters of Tikanga Maori Affairs without Maori actually being Represented by Absolute Mandate of Mana Tangata, Mana Whenua, Kaitiakitanga and Tino Rangatiratanga.

(e) Provided however that nothing in this Act Shall be construed to prevent Tangata Whenua or Kaitiakitanga of the Native/Aboriginal Title commonly known as “The Share Holders, Owners or Guardians “having Mana Whenua within a Maori Incorporation constituted under Part XIII of Te Ture Whenua Maori Land Act 1993 and its amendments from:-

(i) Adopting any provision of any Statute’s or Enactments made by the Lower House of (the Settlers and Immigrants Parliament of NZ) Representatives into the Constitution of their respective Maori Incorporation Constitution Regulations.

(ii) Provided Also that such no such adoption of any Statute or Enactment Shall have any Force or Effect or to be Construed as Binding on [Maori] Tangata Whenua of New Zealand until such Statutes and Enactments has been Adopted by Resolution and Assented to by Tangata Whenua or Kaitiakitanga both within their respective Incorporations Districts and such Resolution being adopted by Resolution at Waitangi on the 28th October each proceeding year and Scrutinized by Resolution of the Upper House of Representatives of the General Assembly or “The Maori Legislated Council (NZ)”.

(6) It Shall be Lawful for Her Majesty, by any Letters Patent to be Issued under the Great Seal of United Kingdom, from time to time to make any provision for the purpose aforesaid, any repugnancy of such [Maori] Laws, Customs, or Usages to the Law of England, or to any Law, Statute, or Usage in Force in New Zealand, or in any Part thereof, in Anywise Notwithstanding.

(7) Pursuant to Section 253 of Te Ture Whenua Maori Act 1993 it Shall be Lawful for a Maori Incorporation by Special Resolution of its Owners of their Respective Districts, together with a Resolution of a Meeting held at Waitangi on the 28th October of each proceeding year and in accordance with:-

- (i) Article 3 of the Declaration of Independence 1835,
- (ii) Article 2 of Te Tiriti O Waitangi 1840 and
- (iii) Section 71 of the New Constitution Act 1852 (UK) and
- (iv) Section 268 (3) of Te Ture Whenua Maori Amendment Act 1994.

(8) To Request Letters Patent to be Issued under the Great Seal of the United Kingdom for the Adoption of these Maori Laws [Tikanga Maori] Customs and Usage in force in New Zealand or any Part there, in anyway notwithstanding.

The Native District Regulation Act 1858 – No 4
(Section 71 of the New Zealand Constitution Act 1852 (UK).
&
(Section 15 & 284.) of Te Ture Whenua Maori Act 1993.

(1)

(1) Whereas it is expedient, in order to promote the Civilization of the Native Race, that the Governor in Council be enacted to make and put into force, within districts over which the Native Title has not been Extinguished, such regulations on matters of local concernment or relating to the Social Economy of the Native Race as may appear Adapted to the Special wants of the Inhabitants, all such regulations being made, as far as possible, with the General Assent of the persons affected thereby:

Be it therefore enacted by the General Assembly of New Zealand in Parliament Assemble, and by the Authority of the same, as follows:-

(2) It shall be Lawful for the Governor in Council from time to time to Appoint Districts for such purposes of this Act, being districts over which the Native Title shall not for the time being have been Extinguished, and any such appointment to vary or revoke. (ie Section 71 New Zealand Constitution Act 1852 (UK) & Continued by Section 15 (b) of Te Ture Whenua Maori Act 1993.)

(3) It shall be lawful for the Governor in Council form time to time to make and put in force within such district, regulations respecting all or any of the matters following that’s to say:-

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

(a) For Ascertaining prescribing and providing for the Observance and Enforcement of the Rights, Duties and Liabilities amongst themselves, of Tribes, Communities, or Individuals of the Native Race, in relation to Use, Occupation and Receipt of the Profits of Lands and Hereditaments.

(b) For the suppression of Injurious Natives Customs, and for the substitution of remedies and punishments for injuries in cases in which compensation is [now] sought by means of such Customs.

(Refer Section 71 New Zealand Constitution Act 1852 (UK) = word Repugnant & Repugnancy”)

(4) And all such Regulation shall have the Force of Law within such Districts and may be varied or revoked from time to time by the Governor In Council: and as respects the Erection and Maintenance of fences Between lands over which the Native Title has and adjacent lands Over which it has not been Extinguished, all such Regulation shall be Binding Upon All Owners and Occupiers of such adjoining lands.

(5) It shall be lawful by such regulation to impose penalties, not exceeding fifty pounds, for the Breach or Non Observance of any such Regulation.

(6) Payment of all penalties imposed by or by virtue of any such Regulation may be recovered and enforced by Justice of the Peace specially Authorized by the [Government] [Upper House] or Maori Legislated Council (NZ) in that behalf, in a summary way, either within or without the limits of the District within which such penalties may have been incurred, in the mode prescribe by the Laws for the time being in force for regulating summary proceedings before Justices of the Peace.

The Native District Regulation Act 1858 – No 4

(Section 71 of the New Zealand Constitution Act 1852 (UK).

&

(Section 15 & 284.) of Te Ture Whenua Maori Act 1993.

(2)

(7) All such Regulations shall Control and Supersede or Preclude the Operation of All Laws or Ordinances in any wise repugnant thereto or inconsistent therewith, which before or after the date thereof, may have been or may be made or Ordained by any Legislated Body within the colony other than the General Assembly, [or by any superintendent and provincial Council. For repealed]

(8) All such Regulations Shall be made as far as possible with the General Assent of the Native Population affected thereby, to be ascertained in such a manner as the Governor may deem fitting: Providing that the issue of an Order in Council under this Act shall be conclusive proof of such General Assent to any Regulation thereby made.

[Refer Section 71, New Zealand Constitution Act 1852, (UK) = Government of themselves in all their relations in and dealing with each other], & continued under Part XIII, Section 284 of Te Ture Whenua Maori Act 1993 & Section 268 (3) of Section 17 of Te Ture Whenua Maori Amendment Act 1994, this is statutory, mandatory by Section 2 & 5 of Te Ture Whenua Maori Act 1993].

(9) A copy of every Order in Council made under this Act shall be laid before Both Houses of the General Assembly immediately upon the issue thereof, if the General Assembly be then in Session, otherwise, within ten days from the commencement of the session next following the issue thereof. (i.e. The Upper House, i.e. Maori Legislated Council (House of Commons) & (i.e. Queens Legislated Council, Justice of the High Court of Appeal (House of Lords) constitutes the Both Houses of the General Assembly, and Section 71, New Zealand Constitution Act 1852 (UK) as above in subsection (8) hereto = Government of Themselves ect, ect.).

(10) Lands Granted by the Crown to any person of the Native Race, or to any person or body politic in Trust for religious, educational or Charitable purposes, or in respect of any purchase made prior to the proclamation of the Queen’s Sovereign, or specially granted as home Stead’s to person of European race domiciled in Native Districts, shall where the same respectively abut upon lands over which the Native Title has not been Extinguished be deemed for the purposes of this Act to be Lands over which the Native title has not been Extinguished, and may accordingly be included within any such District as aforesaid Shall be subject to Maori Laws, Customs and Usages in force in New Zealand.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

(11) Half-castes and other persons of mixed race living as members of any Native tribe, and all aboriginals native of any Island of the Pacific Ocean, shall for the purposes of this Act be deemed to be person of the Native Race.

The Native District Regulation Act 1858 – No 4
(Section 71 of the New Zealand Constitution Act 1852 (UK).
&
(Section 15 & 284) of Te Ture Whenua Maori Act 1993.

(3)

(12) Courts Districts – (1) The Governor-General may confirm from time to time, by Order in Council [acting on the advice and assent of the Maori Legislated Council] –

(a) Divide New Zealand into Te Kooti Rangatiratanga or Te Kooti Kaitiakitanga Districts, and declare the name by which each such districts shall be designated; or

(b) Abolish any such district, or alter the Limits or the designation of any such district, as the Governor-General thinks fit.

(13) The Maori Legislated Council shall from time to time assign Judge(s) to be named and styled as a Maori Assessor or Assessors to such Districts, or 2 or more Districts, as the Maori Legislated Council thinks fit.

(14) There shall be a Registrar for each district, but the same person may hold office as Registrar for any 2 or more districts,

(15) Every such person appointed as Registrar under subsection (3) of this section is the person in Charge of the Maori Land Registry Office.

(Section 15 of Te Ture Whenua Maori Act is hereby altered, and added to by removing all references to the Maori Land Court and the Chief-Judge of the Maori Land Court Pursuant to Section 268 (3) of Section 17 of Te Ture Whenua Maori Amendment Act 1994.)

Maori Incorporation Constitution Regulation Act 2000
Sovereignty/Tino Rangatiratanga

(1)

Sovereignty

Sovereignty has always been seen as vested in the Ruler of any Political Body. **Vattel**, an eighteen century writer on International Law, describes this **Political Body** as:-

(i) Society of (men) People who have United/Gathered/Incorporated together and

(ii) Combined their forces in order to procure their mutual Welfare and Security.

[See “Declaration of Independence 1835 (NZ)” Article II of Te Tiriti O Waitangi 1840, (NZ & UK), section 71 of The New Zealand Constitution Act 1852 (UK) and Part XIII, Section 247 & 250 of Te Ture Whenua Maori Act 1993.]

According to Vattel, Self-Government was the hallmark of Sovereign State.

(iii) To give a Nation (Tangata Whenua) a Right to a definite position in the Great Society of States.

[see Section 71 of the New Zealand Constitution Act 1852 (UK) ie “To the Law of England or any Law statute in force in New Zealand” and Section 253 of Te Ture Whenua Maori Act 1993. ie “Within and Outside New Zealand”]

“He said”

(iv) It need only be sovereign and Independent.

(v) It must govern itself by its Own Authority and its Own Laws.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

[see the Declaration of Independence 1835 (NZ) Articles II of Te Tiriti O Waitangi 1840 (NZ & UK), “The New Zealand Constitution Act 1846 (UK) 9 &10 Vic c 103, Section 10”, Privy Council (1919) NZPCC 1, Hineiti Rirerire Arani Vs Public Trustee, MMC pg 94-95, Section 71 of the New Zealand Constitution Act 1852 (UK), and Section 3, 4, Part XIII, Section 253, 253A (overriding) section 284 of Te Ture Whenua Maori Act 1993 by section 268 (3) of Section 17 of Te Ture Whenua Maori Amendment Act 1994, Maori Customary Laws, Usages, Values & Practices = Tikanga Maori and Whangai.

(vi) Sovereignty then is the regular exercise of Government Authority.

[See section 4 and Part XIII of Te Ture Whenua Maori Act 1993, ie Maori Incorporations Constituted under the Act, have been and are Statutory, Mandated and Autonomously recognized as Sovereign/Independent Nations within and Outside New Zealand in their own right.]

**Maori Incorporation Constitution Regulation Act 2000
Sovereignty/Tino Rangatiratanga**

(2)

Lord Normanby’s Instruction to Captain William Hobson 14/15 August 1839 [“these may be consulted in Mc Nab Historical record of New Zealand” Vol. I. pg. 729.]

(i) “to a numerous and inoffensive people [Maori/Tangata Whenua] whose title to the soil is indisputable, and has been solemnly recognized by the British Government”.

(ii) “I have already stated that we acknowledge New Zealand as a Sovereign and Independent State”.

[see the “Declaration of Independence 1835, Article II of Te Tiriti O Waitangi 1840, “The New Zealand Constitution Act 1846 (UK) 9 &10 Vic c 103, Section 10”, Section 71 of The New Zealand Constitution Act 1852(UK), Section 2, 3, and 5, Part XIII of Te Ture Whenua Maori Act 1993].

[Amended by Section 17 (3) of Te Ture Whenua Amendment Act 1994].

This here Constitution has been read and passed

First Schedule - continued

Title Te Ture Whenua Maori 1995

The Preamble to Te Ture Whenua Maori/Maori Land Act 1993

An Act to reform the laws relating to Maori land in accordance with the principles set out in the Preamble to this Act.

Na te mea I riro na Te Tiriti O Waitangi I motuhake ai te noho a to te iwi me te Karauna (UK): a, na te mea e tika ana kia whakatautia ano te wairua o te wa I riro atu ai te Kawanatanga kia riro mai ai te mau tonu o te rangatiratanga e takoto nei I roto I Te Tiriti O Waitangi: a, na te mea e tika ana kia marama ko le whenua he taonga tuku iho e tino whakaroa nuitia ana e te iwi Maori, a, na tera he whakahau kia mau tonu taua whenua kite iwi nona, ki o ratou whanau, hapu hoki, a, hei whakamama I te mohotanga, I te whakahaeretanga, I te whakamahitanga o taua whenua painga mo te hunga nona, mo o ratou whanau, hapu hoki: a, na te mea e tika ana kia tu tonu he Kooti Paremata Rangatira Ateha O Nga Tikanga Maori Ki Marae, a, kia 'whakatakototia he tikanga hei awhina I te iwi Maori 'kia taea ai enei kaupapa te whakatinana:

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

Whereas the Treaty of Waitangi established the special relationship between the Maori people and the Crown: And whereas it is desirable that the spirit of the exchange of Kawanatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable that land is a taonga tuku iho of special significance to the Maori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu: and to facilitate the occupation, development, and utilization of that land for the benefit of its owners, their whanau, and their hapu: And whereas it is desirable to maintain a Court and to establish mechanisms to assist the Maori people to achieve the implementation of these principles:

That in terms of section 5, 250, 253, 284(2)(u) of the 1993 Act, and in terms of section 268(3) and Section 17 of Te Ture Whenua Maori Amendment Act 1994; and as referred to in section 2(3) the Maori version of Part I and Part II of Te Ture Whenua Maori/Maori Land Act 1993 The Maori version of the Court means Te Kooti Rangatira Ateha and Te Kooti Paramata Maori, or both (which must and) "shall" prevail.

An Act to reform the constitutional law relating to government over all peoples of Aotearoa (NZ) lands, forests, Fisheries, states and all other treasures, as taonga tuku iho: in accordance with the principles set out in the Preamble to this Act.

Whereas the Treaty of Waitangi established the special relationship between the Maori people and the British crown (UK): And where [it is to be] that the spirit of the exchange of kawanatanga for the protection of Rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas [it is to be] recognized that full chieftainship over the people, the land, the forest, the fisheries, the estates, and all other treasures as taonga tuku of special significance to the maori people and, for that reason, to promote the retention of those treasures in the hands of its owners, their whanau, and their hapu: And to facilitate the occupation, development, and utilization of those treasures for the benefit of all its owners, their whanau, and their hapu: And whereas [it is to be] to maintain Te Kooti Paramata Maori or Te kooti Rangatira Ateha in accordance with Tikanga Maori on the marae and to establish mechanisms to assist the Maori people to achieve the implementation of these principles:

2. Interpretation of Act generally

(1) It is the intention of [Westminster Parliament (UK)] that the provisions of this Act shall be interpreted in a manner that best furthers the principles set out in the Preamble to this Act.

(2) Without limiting the generality of subsection (1) of this section, it is the intention of [Westminster Parliament (UK)] that powers, duties, and discretions conferred by this Act shall be

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

exercised, as far as possible, in a manner that facilitates and promotes the retention, of Rangatiratanga use, development, and control by Rangatiratanga over the people, Maori land, Forest, Fisheries, Estates and all other treasures as taonga tuku iho by its Maori owners, their whanau, their hapu, and their descendants.

(3) In the event of any conflict in the meaning between the Maori and the English version of the Preamble, the Maori version shall prevail.

3. Maori Prorogative Proclamation and Terms

(1) In respecting the special Relationship imbedded in Te Tiriti O Waitangi between Kawanatanga of The British Crown (UK) and Rangatiratanga of the Maori people, and Kawanatanga of The British Crown (UK) for the protection of Rangatiratanga of the Maori people, and to facilitate the occupation of trusteeship (kaitiaki) of Her Majesties "Royal Incorporation" (UK), and The Maori (peoples) Incorporation be reaffirmed;

(2) By Her Majesties Proclamation of sovereignty that is to say-

(a) That Her Majesty, will not acknowledge, as valid, any title, to Land in that Country, (NZ) which is not, either derived from, or confirmed by, a Grant, to be made, in Her Majesties name and on her behalf.

(3) That By Prorogative Proclamation by the Maori (peoples) Incorporations under this Act, that is to say as follows;

(a) That The Maori (peoples) Incorporations will not acknowledge as valid any other title to Government over all peoples, lands, forests, fisheries, estates, or other treasures, taonga tuku iho which have not derived from the willing sale of the Maori People to Her Majesty who had, and has the exclusive first right of pre-emption.

4. Interpretation of Maori terms

"Maori Territorial Authority" means A Hapu Whenua Toopu Maori Trust Incorporation; and a Waka Regional District Maori Council under the Local Maori Governments Act 1995.

"Maori land "means Maori Customary Land:

"Occupation" means a grant made to the Crown (UK) pursuant to Article 2 & 4 of Te Whakaputanga o Te Rangatira o Nu Tirani 1835 and Articles 1 & 3 of Te Tiriti o Waitangi 1840 and any other Occupation order made in accordance with section 254 & 283:1993/95 under this Act by Te Kooti Paramata Maori or Te Kooti Rangatira Ateha or both:

"Ahi ka" means fires of occupation:

"Kaitiaki" means guardian

"Whangai" means a person adopted in accordance with tikanga Maori:

5. An Act to bind the Crown (UK) and Maori

This Act shall bind the Crown (UK) and Tangata Whenua/Maori.

18. General jurisdiction of Te Kooti Paramata Maori or Te Kooti Rangatira Ateha or both

(1) In addition to any jurisdiction specifically conferred on Te Kooti Paramata Maori or Te Kooti Rangatira Ateha or both other wise than by this section, Te Kooti Paramata Maori or Te Kooti Rangatira Ateha or both shall have the following jurisdiction:

(a) To hear and determine any claim, whether at law or in equity, to the ownership or possession of Maori Customary Land deemed Crown Land, Maori Free hold Land and General Land or to any right, title, estate or interest.

19. Jurisdiction in respect of Injunctions

(1) Te Kooti Paramata Maori or Te Rangatira Ateha or both, on application made by any person interested or by the Registrar of Te Kooti, or of its own motion, may at anytime issue an order by way of injunction-

(a) Against any person in respect of any actual or threatened trespass or other injury to any Maori Customary Land deemed Crown Land, Maori Free hold land, and general land; or

(b) Prohibiting any person, where proceedings are pending before the Te Kooti Paramata or Te Kooti Ateha or both, from dealing with or doing injury to any property that is the subject-matter of the proceedings or that may be affected by an order that may be made in the proceedings; or

(c) Prohibiting any owner or any other person or persons without lawful authority from cutting or removing, or authorizing the cutting or removal, or other wise making any disposition, of any timber trees, timber, or other wood or flax, tree ferns, sand, topsoil, metal, minerals, or other substances whether usually quarried or mined or not, on or from any Maori Customary Land deemed Crown land, Maori Freehold land, and General land; or

(d) Prohibiting the distribution, by any trustee or agent, of rent purchase money, royalties or other proceeds of the alienation of land, or of any compensation payable in respect of other revenue derived from the land, affected by any order to which an application under section 45 of this Act or an appeal under Part II of this Act relates.

(2) Not withstanding any thing in the Crown Proceedings Act 1950, any injunction made by Te Kooti Paramata Maori or Te Kooti Rangatira Ateha or both under this section may be expressed to be binding on Her Majesty the Maori Trustee,

(3) Any injunction made by Te Kooti Paramata Maori or Te Kooti Rangatira Ateha or both under this section may be expressed to be of an interim effect only:

(4) Every injunction made by Te Kooti Paramata Maori or Te Kooti Rangatira Ateha or both under this section that is not expressed to be of interim effect shall be of final effect.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

20. Jurisdiction in action for recovery of Maori land

Notwithstanding anything to the contrary in the District Courts Act 1947 and the Land Act 1948 and notwithstanding its presumed status as Maori free hold land or General land Te Kooti Rangatira Ateha shall have jurisdiction to here and determine any proceeding for the recovery of Maori free hold land, Maori Customary Land unextinguished of the native title and general land in the following cases:

(a) Where-

(ii) The lessee or any other person in occupation of the land or part of the land neglects or refuses to quit and deliver up possession of the land:

(d) Where any person without right, title, or license is in possession of any Maori Free hold land, Maori Customary Land or General land.

85. Enforcement by High Court of Injunctions

(1) For the purpose of enforcing any injunction issued by Te Kooti Paramata Maori, Te Kooti Rangatira Ateha may on the application of any party or of Te Kooti Rangatira Ateha own motion, transmit a copy of the injunction under the hand of Te Kooti Rangatira Ateha and under the seal of Te Kooti Rangatira Ateha by which the injunction was issued to any registrar of the High Court or Supreme Court of Appeal, who shall file it as of record in that Court.

(2) On the filing of a copy of any such injunction, the injunction shall be deemed to have been issued by the High Court or of the Supreme Court of Appeal and may be enforced by writ of attachment or other wise in accordance with the practice of the Court.

(3) For the purposes of this section, a certificate under the hand of Te Kooti Paramata Maori, or Te Kooti Rangatira Ateha with reference to any proceedings of that Kooti in the matter in which the injunction was issued, or setting forth any particulars relating to the performance or non-performance by any person of the requirements of that injunction, shall, unless the contrary is proved, be accepted by the High Court or the Supreme Court of Appeal and by all officers of the Kooti, as sufficient evidence of the facts so certified.

(4) The filing in the High Court or the Supreme Court of Appeal under this section of a copy of an injunction issued by Te Kooti Paramata Maori or Te Kooti Rangatira Ateha shall not limit or effect any right or power of rehearing, appeal, amendment, or cancellation existing in respect of that order.

144. Maori Customary Land deemed Crown (UK) land for certain purposes

(1) Notwithstanding any of the forgoing provisions of this Part of this Act, but subject to Subsection (4) of this section, Maori Customary Land shall be deemed to be Crown land within the meaning of Te Tiriti O Waitangi for the purposes of:-

(a) Recovering possession of the land from any person in wrongful occupation of the land; or

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

(b) Preventing any trespass or other injury to the land or recovering damages for any such trespass or injury.

(2) Subject to subsection (4) of this section, no proceedings, other than proceedings for or on behalf of the Crown (UK) and the Maori beneficial owners, shall be brought in any court by any person for recovery of the possession of Maori Customary Land, or for damages or an injunction in respect of trespass or injury to any such land.

(3) Where proceedings are brought by a Maori Incorporation Management Committee or on behalf of Her Majesty, Maori Trustee, the British Crown (UK) pursuant to subsection (2) of this section, a Maori Incorporation Management Committee on behalf of Her Majesty, Maori trustee, the British Crown (UK) shall be deemed to be acting in the place of the beneficial owners of the customary land to which the proceedings relate and for the benefit of those owners.

(4) Notwithstanding any of the forgoing provisions of this Part of this Act, proceedings-

(a) For the recovery from any person in wrongful occupation or the possession of Maori Customary Land; or

(b) For damages from any other person in wrongful occupation in respect of any trespass of the beneficial owners of that customary land, and for the purposes of any such proceedings, Her Majesty the Queen (UK) or any Maori Incorporation Management Committee constituted under this Act, shall in the absence of evidence to the contrary, be authorized to represent the beneficial owners of that Maori Customary Land.

218. Maori Community Purposes

(1) Where any income of a trust constituted under this part of this Act is to be applied for Maori community purposes, the trustees may provide money for the benefit or advancement of any specified beneficiary, any class or classes of beneficiaries, or the interests of any hapu associated with any land belonging to the trust and its members, whether directly or indirectly.

(2) The Management Committee may from time to time subject to the terms of the order of incorporation, apply money towards all, or any of the following purposes:

(a) Providing for and the promotion of health- By receiving grants, subsidies and loans; and the making of grants subsidies and loans for the following purposes:

(i) To install water supplies, sanitation works and drainage; and the purchasing of housing and buildings for the purposes of health in Maori settlements and any other place or places; and

(ii) To provide mental, medical, nursing and dental services and any other alternative health providers and services including nursing care and support for the elderly, disabled and the blind whether licensed or unlicensed; and

(iii) To supply all equipment and transport necessary for the provision of such services; and

(iv) To employ health professionals and other health practitioners and providers whether licensed or unlicensed in furtherance of the trust; and

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

- (v) To issue promissory notes whether in money or in kind; and to issue stocks and bonds on any terms and to make payment toward any of the above purposes in sub-clauses (i) (ii) (iii) (iv) and (v).
- (b) The promotion of social, cultural and economic welfare
- (i) By making grants or loans for the relief of poverty or distress; or
- (ii) By making grants or loans towards the cost of the construction, establishment, management, maintenance, repair or improvement of Maori meeting houses, halls, churches and church halls, kohanga reo, villages, maraes or cemeteries; or
- (iii) By establishing, maintaining and equipping hostels for the purpose of providing either permanent or temporary accommodation; or
- (iv) By making grants or loans towards the establishment of recreational centers for the common use of any Maori community and for such other uses as the trustees think fit; or
- (v) By promoting, carrying out, or subsidizing roading schemes, power schemes, or such other schemes as the Management Committee think fit, or by making grants or loans for any such schemes; or
- (vi) By purchasing, acquiring, holding, selling, disposing of, or otherwise turning to account shares in any body corporate that has as one of its principal objects the economic or social advancement of Maori, or the development of land; or
- (vii) By the promotion of schemes to encourage the practice of Maori arts and crafts, the study of Maori lore and history and the speaking of the Maori language:
- (c) The promotion of education and vocational training-
- (i) By assisting in the establishment, equipping, managing and conducting of schools and other educational or training institutions, including kohanga reo, by making grants of money, equipment or material to schools and other educational or training institutions, including kohanga reo; or by making grants to the Maori Educational Foundation established by the Maori Foundation Act 1961, or to any other funds established or bodies formed for the promotion of the education of Maori or for assisting Maori to obtain training or practical experience necessary or desirable for any other trade or occupation; **or**
- (ii) By providing scholarships, exhibitions, bursaries or other methods of enabling individuals to secure the benefits of education or training, or by making grants to Education Boards or other educational bodies for scholarships, exhibitions or bursaries; or
- (iii) By providing books, clothing or other equipment for the holders of scholarships or other individuals, or by making grants generally for the purpose of assisting parents or guardians of children to provide for their education or training for any employment or occupation; or
- (iv) By providing, maintaining or contributing towards the cost of residential accommodation for their children in relation to their education or training.
- (3) Nothing in this section shall prevent the Management Committee from applying money for the general benefit of a group or class of persons, notwithstanding that the group or class of persons

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

includes persons other than beneficiaries; but no grant or loan shall be made to any individual for that individual's exclusive benefit unless that individual is a beneficiary or the descendant of a beneficiary.

237. Jurisdiction of Court Generally

(1) Subject to the express conditions of this part of this Act, in respect of any trust or Incorporated trust under this Act or any other enactment and the general law to which this section applies, Te Kooti Paramata Maori and Te Kooti Rangatira Ateha shall have and may exercise all the same powers and authorities as the High Court or Supreme Court of Appeal has (whether by statute or by any rule of law or by virtue of its inherent prerogative jurisdiction in accordance with Te Tiriti o Waitangi) in respect of trusts generally.

(2) Every order, determination or opinion made under Tikanga Maori by Te Kooti Paramata Maori or Te Kooti Rangatira Ateha shall be binding on the High Court and the Supreme Court of Appeal.

First Schedule – continued

Title Acts Repealed

NOW THEREFORE in accordance with the provisions of Part XII & Part XIII of Te Ture Whenua Maori/Maori Act 1993 pursuant to sections 250, 252, 253 and section 284 (2) (u);

And in terms of the provisions of section 268 (3) of section 17 of Te Ture Whenua Maori Amendment Act 1994, this Act adds to, alters and replaces certain provisions of the Conservation Act 1997 and the Resource Management Act 1991, Te Ture Whenua Maori/Maori Land Act 1993, the Fisheries Act 1996 and The Local Government Act 2001 and all other Enactments of the Parliament of the New Zealand Company;

And in accordance with the Imperial Laws Applications Act 1998, section 5 and 6 and section 5 of the Native District Regulations Act 1858 No. 4;

All such constitution regulations shall control and supercede or preclude the operation of all laws or ordinances that are any wise repugnant thereto or inconsistent therewith, which before or after the date thereof, may have been ordained by any legislative body i.e. the Parliament of New Zealand Company residing as a colony, other than Te Whakaminenga o Te Rangatira o Nga Tikanga Maori Law Society Incorporation o Te Iwi Maori Mana Motuhake or any presiding Governor appointed through any Regional Waka Native District constituted under Te Ture Whenua Maori Incorporations Constitution Regulations Act 1995.

The following enactments are hereby revoked and repealed:-

- a) The New Zealand Constitution Act 1846
- b) The New Zealand Constitution Act 1852

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

- c) The Native Land Court Act 1865
- d) The Native Lands Act 1865
- e) The Repeals Act 1891
- f) The Native Land Courts Act 1894 (save division I, Part1) (Save Division II Part II)
- g) The Incorporated Societies Act 1908
- h) Statutes of Westminster Adoption Act 1947
- i) The District Courts Act 1947
- j) The Native Lands Act 1948
- k) Land Transfer Act 1952
- l) The Maori Affairs Act 1953
- m) The Maori Trustees Act 1955
- n) The Maori Trust Boards Act 1956
- o) The Charitable Trust Act 1957
- p) The Maori Community Development Act 1962
- g) The Maori Affairs Amendment Act 1967 (Save Part I (b))
- r) Maori Affairs Amendment Act 1974
- s) The Flags and Emblems Act 1981
- t) The Misuse of Drugs Act 1981
- u) The Fisheries Act 1983 (Save Section 88 (2))
- v) The New Zealand Constitution Act 1986
- w) The Treaty of Waitangi Fisheries Settlement Act 1992
- x) Maori Customary Fisheries Regulations Act 1998
- y) The Land Transport Act 1998
- z) The Rating Powers Act
- aa) The Animal Welfare Act 1999
- bb) Local Governments Act 2002

Now therefore such enactments being or repealed shall have no lawful effect-in relation to the Native Inhabitants on all Lands Unextinguished of the Native Maori Aboriginal Title.

And in terms of section 2 and 5 of Te Ture Whenua Maori/Maori Land Act 1993 this Act Shall Bind the Crown (UK) and all of Her Majesties subjects, all Ministers, Judges, Departments of Courts and all the New Zealand Company Departments, and subject to section 2 and 5 of Te Ture Whenua Maori Incorporation Constitution Regulations Act 1995 and its future amendments, this Act Shall Bind the British Crown (UK), Kawanatanga and Rangatiratanga of Te Iwi Maori, Nga Hau E Wha O Te Mana Motuhake .

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

God save Her Majesty the Queen, Your Gracious Queen, Our Trustee and Equitable Sovereign in right of occupation of all lands Unextinguished of the Native Title forever..... Ake, Ake, Ake, Amene.

[Amended by Section 17 (3) of Te Ture Whenua Amendment Act 1994].

This Amendment to the Constitution has been Read and Passed under the Hand and Seal of:
Te Hau Pa Whare Whanau [Koporeihana] Incorporation.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

PART 7 Second Schedule

FORM 1

_____ [Koporeihana] Incorporation

APPOINTMENT OF PROXY

IN THE MATTER of a general meeting of the shareholders/beneficiary's of _____
[Koporeihana] Incorporation to be held at _____ on the _____
day of _____ 200____, and any adjournment of that meeting.

I _____, (Occupation) _____,
of (*Address*) _____, being a Shareholder/Beneficiary
whose name is entered on the share register as a shareholder/beneficiary (or the trustee of
_____, a shareholder/beneficiary) in the said
[Koporeihana] Incorporation, DO HEREBY APPOINT as my Proxy¹; (*At least one name to
be filled in*)

_____ or if he/she does not
attend _____
_____ at the above meeting and
any adjournment thereof.

This form is to be used in favor of/against ** the resolution to [*Details of the resolution*]

Dated the _____ Day of _____ 200_____

Signed by:

Full name of shareholder/beneficiary Signature

In the presence of:

SIGNATURE OF WITNESS _____
NAME OF WITNES _____
OCCUPATION _____
ADDRESS _____

PLEASE STATE HERE HOW YOU WANT YOUR PROXY TO VOTE: (*Delete three
options*)

My proxy is to;

- (a) Use his/hers own discretion and vote in my best interests.
- (b) Vote against the resolution
- (c) Vote in favor of the resolution
- (d) Vote in favor of the resolution but with the following changes: _____

NOTES:

Any person of full age and capacity (other than the Shareholder/Beneficiary, any Shareholder/Beneficiary's Solicitor or agent, any proposed alienee, transferee or lessee of the referred to above, the subject of the proposed resolution, or the Recording Officer) may be appointed as proxy.

**THIS PROXYFORM MUST BE HANDED TO THE RECORDING OFFICE
BEFORE THE START OF THE MEETING**

Please ensure the form is completed in full – otherwise it may not be valid.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

FORM 2

_____ [Koporeihana] Incorporation

ONLY USE THIS FORM IF YOU CAN NOT ATTEND THE MEETING AND DO NOT
WISH
TO APPOINT A PROXY TO REPRESENT YOU

MEETING OF ASSEMBLED SHAREHOLDER/BENEFICIARY'S

POSTAL VOTE

IN THE MATTER OF: _____

I _____, (Occupation) _____, of

(Address) _____,

being a Shareholder/Beneficiary of the referred to above [Koporeihana] Incorporation, of

_____ (Number of shares) shares in the above referred to [Koporeihana]

Incorporation; vote on the proposed resolution as followed:

RESOLUTION 1:

* In favor of/against/with the following modifications:

THIS RESOLUTION IS SET OUT IN FULL ON THE NOTICE OF THE MEETING
DATED.

Dated the _____ Day of _____ 200_____

SIGNATURE OF THE SHAREHOLDER/BENEFICIARY:

In the presence of:

SIGNATURE OF WITNESS _____

NAME OF WITNES _____

OCCUPATION _____

ADDRESS _____

NOTE:

1. You may vote in favor of or against any of the resolutions set out in the NOTICE summoning the meeting, or you may vote for any modification to those resolutions as you think fit.
2. The Registrar of the [Koporeihana] Incorporation is the person authorized to receive and count postal votes for the meeting.
3. This form must reach the Registrar not less than two days before the date of the meeting.

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

FORM 4

_____ [Koporeihana] Incorporation

Appointment of Kaumatua/kuia Council Members
Justice of the Peace

*	_____	_____	_____	_____
	<i>Print Name Here</i>	<i>Address</i>	<i>Phone No</i>	<i>Signature</i>
*	_____	_____	_____	_____
	<i>Print Name Here</i>	<i>Address</i>	<i>Phone No</i>	<i>Signature</i>
*	_____	_____	_____	_____
	<i>Print Name Here</i>	<i>Address</i>	<i>Phone No</i>	<i>Signature</i>
*	_____	_____	_____	_____
	<i>Print Name Here</i>	<i>Address</i>	<i>Phone No</i>	<i>Signature</i>
*	_____	_____	_____	_____
	<i>Print Name Here</i>	<i>Address</i>	<i>Phone No</i>	<i>Signature</i>

APPOINTMENT OF SHARE VALUER/AUDITOR

NAME _____

ADDRESS _____

PHONE NO _____

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

FORM 5

_____ [Koporeihana] Incorporation

I, _____, of _____ [Full mailing address] born _____ [Date of birth] being a share holder/beneficiary in the above named [Koporeihana] Incorporation, IN CONSIDERATION OF the sum of _____
(or of natural love and affection), or (IN PURSUANT OF the trust of the will or of the intestacy of _____ [Name], _____ [Occupation] of _____ [Last mailing address] hereby agree to transfer _____ Shares in the [Koporeihana] Incorporation, to _____ [Name] _____ [Occupation] of _____ [Full mailing address], born _____ [Date of birth] (“transferee”)

The Transferee is (or is not) a member of the preferred class of alienees with the meaning of the Act.

Signed the _ day of _ 200__

In the presence of:

SIGNATURE OF WITNESS	_____
NAME OF WITNES	_____
OCCUPATION	_____
ADDRESS	_____

**Te Ture Whenua Maori Incorporations
Constitution Regulations Act 1995**

FORM 6

CERTIFICATE AS TO SHAREHOLDING/BENEFICIARY

_____ [Koporeihana] Incorporation

Reference Number: _____

THIS IS TO CERTIFY that .

Holds one _ share in the above name [Koporeihana] Incorporation at the date of Incorporation.

At that date, the number of Shareholders is _____

Dated this:

THE COMMON SEAL of _____ [Koporeihana] Incorporation was here unto
affixed in the presence of:

Chairperson

Registrar

THIS CERTIFICATE SHALL NOT BE CONSTRUED AS EVIDENCE OF TITLE
OTHERWISE THAN AT THE DATE HEREOF

PART 8 Third schedule

Te Tangata Whenua o Te Oneone [Native Title Act 2003].

Because of the amount of Printing you are asked to request a copy from the
Secretary/Registrar of Te Hau Pa Whare Whanau Incorporation.

Amended by Section 17 (3) of Te Ture Whenua Amendment Act 1994].

This Amendment to the Constitution has been Read and Passed under the Hand and Seal of:
Te Hau Pa Whare Whanau [Koporeihana] Incorporation.

Please amend by inserting your Incorporations name.