



ANALYSIS

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1990, No. 125

An Act—

- (a) To acknowledge the enduring, traditional significance and importance of the iwi; and
- (b) To identify the characteristics by which iwi are to be recognised for the purposes of this Act; and
- (c) To provide for the incorporation of runanga to represent iwi in accordance with charters prepared by iwi; and
- (d) To provide a process for the resolution of conflicts that may arise within an iwi or between incorporated runanga; and
- (e) To provide for the registration by any iwi of a body corporate as the authorised voice of the iwi

[31 August 1990]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Runanga Iwi Act 1990.

(2) This Act shall come into force on the 1st day of September 1990.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Court” means the Maori Land Court:

“Incorporated runanga” means a runanga incorporated under this Act:

“Maori” means a person of the Maori race of New Zealand; and includes a descendant of any such person:

“Runanga” means a council of an iwi, or of 2 or more iwi:

“Ruranga” means a Maori who is for the time being resident within the takiwa of an iwi and who is not a member of that iwi:

“Takiwa”, in relation to an iwi, means the territory in which the members of the iwi are tangata whenua:

“Taura here” means a group established by the incorporated runanga of any iwi for those members of the iwi who reside in the takiwa of another iwi:

“Tikanga ” means Maori customary values and practices.

3. Act to bind the Crown—This Act binds the Crown.

4. Treaty of Waitangi—This Act shall be interpreted in a manner consistent with the principles of the Treaty of Waitangi.

5. Essential characteristics of iwi—For the purposes of this Act, the essential characteristics of an iwi include the following:

- (a) Descent from tupuna:
- (b) Hapu:
- (c) Marae:
- (d) Belonging historically to a takiwa:
- (e) An existence traditionally acknowledged by other iwi.

6. Recognition of importance of iwi—The iwi is hereby acknowledged as an enduring, traditional, and significant form of social, political, and economic organisation for Maori.

PART I

INCORPORATION OF RUNANGA

7. Iwi have right to incorporate runanga under this Act—(1) Every iwi has the right, in accordance with this Act, to incorporate a runanga under this Act.

(2) Notwithstanding anything in subsection (1) of this section, any 2 or more iwi may agree to the incorporation of a runanga to represent those iwi.

(3) In any case where, under subsection (2) of this section, 2 or more iwi agree to the incorporation of a runanga to represent those iwi, the respective rights of those iwi may be set out in the charter, and any dispute may be dealt with by the Court under section 30 of this Act as if it were a dispute between members of an iwi and the runanga.

(4) In any case where, under subsection (2) of this section, 2 or more iwi agree to the incorporation of a runanga to represent those iwi, those iwi may agree to use the term “runanganui” instead of “runanga”; and, if they do, the provisions of this Act shall apply to the incorporated runanganui in the same way as they apply to incorporated runanga.

8. Proposal to incorporate to be considered by hui—(1) Where it is proposed by any members of an iwi that a

runanga to represent the iwi be incorporated under this Act, a hui of the iwi shall be held to discuss the proposal.

(2) Reasonable notice of the hui shall be given to the members of the iwi.

(3) If the hui favours the proposal, the people present shall determine how and by whom all the steps necessary for incorporation are to be taken, including—

(a) The preparation of a charter; and

(b) The preparation of a description of the takiwa of the iwi within which it is proposed that the runanga will exercise its authority; and

(c) The making, on behalf of the iwi, of the application for incorporation.

(4) So far as practicable, each hapu or other recognised section or division of the iwi shall be represented among those chosen under subsection (3) of this section to prepare the application.

9. Charters—(1) Every charter shall include the following matters:

(a) The name of the iwi:

(b) The name proposed in respect of the incorporated runanga:

(c) A description of the takiwa:

(d) The principles by which the runanga will be guided in the conduct of its affairs:

(e) The manner in which the runanga is to be accountable to iwi:

(f) The process by which conflicts between members of the iwi and the runanga are to be resolved:

(g) The method by which equity between members of the runanga is to be addressed, particularly in relation to matters of age and gender:

(h) The manner in which the interests of runanga are to be recognised and protected, either—

(i) Through the runanga itself; or

(ii) By recognising the right of other appropriate incorporated runanga to establish taura here for the runanga:

(i) The relationship between the runanga and any taura here established by it:

(j) The basis on which members of the runanga are to be elected or appointed:

(k) The custody and use of the seal of the runanga:

- (1) Any other matters that the iwi may think fit to include, not being inconsistent with this Act or any other enactment or rule of law.
- (2) The charter and every amendment to it shall be in typewritten or printed form.

10. Registrars of Runanga—For the purposes of this Act, every person who is for the time being a Registrar of the Maori Land Court shall also hold office as a Registrar of Runanga.

11. Registry Offices—(1) For the purposes of this Act, every office of the Maori Land Court shall also be a Registry Office for Runanga.

(2) Where any of the provisions of this Act provide, in relation to an iwi, the applications and other documents that may be filed with or sent to, or are required to be filed with or sent to, a Registrar, those applications and other documents shall, subject to subsection (3) of this section, be filed in or sent to the Registry Office for the Maori Land Court District in which the takiwa of the iwi is situated.

(3) If the takiwa of an iwi covers two or more Maori Land Court Districts, any application for the incorporation of a runanga to represent that iwi may be filed in the Registry Office for any one of those districts.

12. Seal—Every Registrar shall have a seal of office, of which judicial notice shall be taken for all purposes.

13. Application for incorporation—(1) When an iwi has completed the charter, it may apply to the Registrar for incorporation of the runanga.

(2) Every application shall—

- (a) Be made in the prescribed form and in the name and with the consent of each of the persons chosen at the hui under section 8(3) of this Act to prepare the application; and
- (b) Include such particulars as may be necessary to show that the people on whose behalf the application is made constitute an iwi in terms of section 5 of this Act; and
- (c) Be accompanied by—
 - (i) Two copies of the proposed charter; and
 - (ii) The prescribed fee; and
 - (iii) A statutory declaration, made by one of the persons referred to in paragraph (a) of this subsection, stating that the proposal to seek incorporation of a

runanga was discussed at a hui convened for the purposes of section 8 (1) of this Act, that the hui supported the proposal, that the hui chose each of the persons named in the application to prepare the application on behalf of the iwi, and that the person making the declaration has been authorised to do so by the other persons referred to in that paragraph:

- (d) Specify the name and address of a person who is authorised to receive any document for the purposes of this Part of this Act on behalf of the iwi, and any such document given to that person or sent to that person at that address shall be deemed to have been given or sent to the iwi.

14. Withdrawal of application—(1) Subject to subsections (2) to (4) of this section, an iwi may, at any time before its application is determined under section 20 or section 23 of this Act, withdraw the application.

(2) Where it is proposed by any members of an iwi that an application under this Act for the incorporation of a runanga to represent the iwi be withdrawn, a hui of the iwi shall be held to discuss the proposal.

(3) Reasonable notice of the hui shall be given to the members of the iwi.

(4) If the hui favours the withdrawal of the application, the people present shall determine how and by whom all the steps necessary for the withdrawal of the application are to be taken.

(5) Where any application is withdrawn before public notice of that application has been given under section 17 of this Act, any fees paid in respect of that application shall be refunded to the person by whom they were paid.

15. Registrar to check application—On receipt of an application under section 13 of this Act, the Registrar shall check the application to ensure that it complies with the requirements of this Act and of any regulations made under this Act.

16. Application may be referred back—(1) Where, in respect of any application for incorporation under this Act, the Registrar considers that the application or the charter does not comply with all the requirements of this Act and the regulations made under it, the Registrar may, instead of dealing with the application under section 17 of this Act, refer the application back to the iwi.

(2) If the Registrar does refer the application back to the iwi and the iwi wishes to object to that action, it may apply to the Court for a review of the Registrar's decision, and the Court may make all such orders or give all such directions in the matter as it thinks fit.

17. Public notice of application—(1) On being satisfied that the application does comply with those requirements, the Registrar shall give public notice of the application in accordance with subsection (2) of this section.

(2) Public notice of an application shall be given—

- (a) By means of a notice published twice in a newspaper or newspapers circulating in the takiwa of the iwi concerned, and in such other takiwa as the Registrar may think fit having regard to the number of members of the iwi believed to be living in that or those other takiwa, with an interval of not less than 5 nor more than 10 days between each publication; and
- (b) By such other means as the Registrar considers necessary to ensure that those having an interest in the matter are made aware of the application.

(3) The public notice shall—

- (a) State that the application has been made; and
- (b) Specify the places where copies of the application and the proposed charter may be inspected; and
- (c) Specify a date, being not less than 28 working days after the first publication of the notice, by which objections to the application may be filed under section 18 of this Act.

18. Objections—(1) Within 28 working days after the first publication of the notice under section 17 of this Act, or within such longer period as may have been specified in the notice or as the Court may allow, an objection to the application may be filed in the Court, in accordance with the rules of Court, by any person specified in subsection (2) of this section on any ground specified in subsection (3) of this section.

(2) The following may object:

- (a) Any representative of any hapu or other recognised section or division of the iwi concerned;
- (b) Any incorporated runanga;
- (c) Any representative of any other iwi;
- (d) Any body corporate that is registered under section 72 of this Act as the authorised voice of an iwi;
- (e) Any other member of any iwi, with leave of the Court.

(3) Objections may be made on any of the following grounds:

- (a) That the people on whose behalf the application is made do not constitute an iwi in terms of section 5 of this Act:
- (b) That the name under which it is proposed to incorporate the runanga is not in accordance with tikanga:
- (c) That the takiwa as described in the application includes any area that properly belongs within the takiwa of another iwi:
- (d) That the application does not carry sufficient support of the members of the iwi on whose behalf it is made:
- (e) That the proposed charter does not accurately reflect the wishes of the members of the iwi:
- (f) That the proposed charter does not adequately recognise and protect the interests of ruranga, either directly through the runanga itself or by recognising the right of other appropriate incorporated runanga to establish taura here for the ruranga:
- (g) That the proposed charter does not comply with all the requirements of this Act.

(4) Notwithstanding anything in subsection (1) of this section, no objection may be made on the ground specified in paragraph (d) or paragraph (e) or paragraph (g) of subsection (3) of this section other than by a person described in subsection (2) (a) of this section.

19. Notice of hearing of opposed application—As soon as practicable after the expiry of the period prescribed or allowed for the filing of objections, the Registrar of the Court shall, if any objection is filed within that period,—

- (a) Fix a time and place for the hearing of the application; and
- (b) Give notice of the time and place so fixed to the iwi and to each objector; and
- (c) Give a copy of each objection to the applicant and to each of the other objectors.

20. Consideration and determination of unopposed application—(1) Where no objection to an application is filed within the time prescribed or allowed, the Registrar shall refer the application to the Court for consideration and determination.

(2) Where an application is referred to the Court under subsection (1) of this section, the Court may consider and determine that application without holding a hearing.

(3) A Registrar shall have and may exercise, in relation to any application referred to the Court under subsection (1) of this section, all the jurisdiction and powers of the Court.

21. Powers of Judge to call conference and give directions in respect of opposed application—(1) For the purpose of ensuring that any application in respect of which an objection is filed may be determined in a convenient and expeditious manner, and that all matters in dispute may be effectively and completely determined, a Judge may at any time, either on the application of any party or intended party or without any such application, and on such terms as the Judge thinks fit, direct the holding of a conference of parties or intended parties presided over by a Judge.

(2) At any such conference, the Judge presiding may do all or any of the following things:

- (a) With the consent of the applicant, amend the application to give better effect to the applicant's intention:
- (b) Settle the issues to be determined by the Court under section 23 of this Act:
- (c) Give directions as to service, and as to the public notification of the application, any objection, and any hearing:
- (d) Direct by whom and by what time any notice of intention to appear, or any statement in reply, shall be filed:
- (e) Direct the filing of further particulars by any party:
- (f) Direct further research by any party, or by the Registrar from the Court records:
- (g) Direct the filing by any party of any report that may assist the Court in determining any matter in issue:
- (h) Fix a time by which affidavits or other documents shall be filed:
- (i) Exercise any powers of direction or appointment vested in the Court or a Judge by the rules of Court in respect of applications under this Part of this Act:
- (j) Give such consequential directions as may be necessary:
- (k) Fix a time and place for the hearing of the application.

(3) Notwithstanding any of the foregoing provisions of this section, a Judge may, at any time before the hearing of an application has been commenced, exercise any of the powers specified in subsection (2) of this section (other than the power specified in paragraph (b) of that subsection) without holding a conference under subsection (1) of this section.

22. Procedure—(1) At the hearing of any application under this Part of this Act, the following persons shall be entitled to appear and be heard:

- (a) The applicant:
- (b) Any objector:
- (c) Any other person who wishes to be heard in respect of the application or of any objection to it, by leave of the Court.

(2) The applicant and every objector shall have all the rights of a party to proceedings before the Court in its ordinary jurisdiction.

(3) The Court may confer the rights of a party on any person to whom leave is granted under subsection (1) (c) of this section.

23. Determination of application—(1) Where an objection to an application is filed within the time prescribed or allowed, the Court shall hear and determine the application as soon as practicable.

(2) That Court shall not grant the application unless it is satisfied of each of the following matters:

- (a) That the people on whose behalf the application is made constitute an iwi in terms of section 5 of this Act:
- (b) That the name under which it is proposed to incorporate the runanga is in accordance with tikanga:
- (c) That the takiwa described in the application is the customary takiwa of the iwi and does not include any area that properly belongs within the takiwa of another iwi:
- (d) That the application carries sufficient support of the members of the iwi:
- (e) That the proposed charter accurately reflects the wishes of the members of the iwi:
- (f) That the proposed charter deals satisfactorily with each of the matters required by this Act to be dealt with in the charter.

(3) When the Court has finally determined an application, it shall give written notice of its decision, and of the reasons for it, to the iwi and to each of the other parties.

24. Power of Court to make provisional order in respect of takiwa—(1) Notwithstanding anything in section 23 of this Act, where on an application for incorporation of a runanga under this Act, the Court is satisfied of all matters except the description of the takiwa, it may grant the

application but express the order to be provisional only in respect of the description of the takiwa.

(2) In any case to which subsection (1) of this section applies, the Court may subsequently make a final order as to the description of the takiwa.

25. Incorporation of runanga—(1) If the Court determines to grant the application, the Registrar shall—

- (a) Enter the name of the runanga, and such other particulars as may be prescribed or as the Registrar may think fit, in the register kept by the Registrar for the purposes of this Act; and
- (b) Record the charter of the runanga by sealing 2 copies with the Registrar's seal, and return 1 copy to the iwi; and
- (c) Issue to the iwi a certificate of incorporation.

(2) Notwithstanding anything in subsection (1) of this section, the Registrar shall not take any action under that subsection until the time for appeals against the Court's order has expired, and any appeal has been finally determined.

(3) A certificate of incorporation issued under subsection (1) (c) of this section shall be conclusive evidence that the runanga named in it is incorporated under this Act.

(4) On the issue of a certificate of incorporation under subsection (1) of this section, the runanga shall be a body corporate, having perpetual succession and a common seal, with power to purchase, accept, hold, transfer, and lease property, and to sue and be sued, and having all the rights, powers, and privileges of a natural person.

(5) Nothing in subsection (4) of this section shall empower an incorporated runanga to act in a manner that is inconsistent with its charter.

PART II

INCORPORATED RUNANGA

26. Status of runanga—(1) All incorporated runanga shall be recognised by the Crown and all local and public authorities as the authorised voice of the iwi.

(2) Where any enactment requires consultation with any iwi or with any iwi authority, and an incorporated runanga is, under subsection (1) of this section, the authorised voice of that iwi, that consultation shall be held with that incorporated runanga.

(3) This section shall not apply in relation to any iwi in respect of which an authorised voice is registered under section 72 of this Act.

27. Contracts for services and disbursement of funds—

(1) Without limiting its general power to enter into contracts, an incorporated runanga may enter into contracts with the Crown and other agencies relating to the provision of services, or the disbursement of funds, to members of the iwi and to any ruranga for whom the runanga is responsible in accordance with its charter.

(2) Each such contract with the Crown shall specify the means by which the incorporated runanga is to account to the Crown for the money or other resources provided to the incorporated runanga by the Crown in accordance with the contract.

(3) Nothing in subsection (1) of this section shall limit or affect the right of the Crown or other agencies to enter into such contracts with other Maori authorities.

28. Special consideration to be given to rights of ruranga—Although the principal duty of an incorporated runanga is to look after the members of the iwi it represents, every such runanga shall at all times respect, and so far as practicable seek to meet and uphold, the needs and rights of ruranga in accordance with its charter, unless a taura here has been established in its takiwa for the ruranga.

29. Taura here may be established—(1) Where the incorporated runanga of an iwi is satisfied—

(a) That a substantial number of members of the iwi are resident in the takiwa of another incorporated runanga; and

(b) The charter of that other incorporated runanga recognises the right to establish taura here for ruranga in its takiwa,—

it may, after consultation with that other runanga, establish a taura here for the ruranga accordingly.

(2) Where any incorporated runanga establishes a taura here under this section, it shall notify the Registrar of the particulars of the case, and supply such further information as the Registrar may require.

(3) A taura here may, with the consent of the incorporated runanga by which it was established, become incorporated under any other Act, but such incorporation shall not affect the

relationship between the runanga and the taura here as set out in its charter.

(4) Where an incorporated runanga wishes to establish a taura here in a locality in which no incorporated runanga has been established, it shall take all reasonable steps to consult with the iwi who have mana whenua in that locality.

30. Disputes within iwi—(1) Where a dispute arises between any member or members of the iwi or any ruranga for which the runanga is then responsible and the runanga, all reasonable steps shall be taken to resolve the dispute in accordance with the procedure specified in the charter.

(2) Where any party to any such dispute is of the opinion that the procedure specified in the charter has not been followed properly, that party may apply to the Court for directions; and, if the Court is satisfied that there has been a failure to follow the procedure properly, it may give all such directions as it thinks fit for the resolution of the dispute in accordance with that procedure.

(3) If the parties to any such dispute are unable to settle it in accordance with the procedure specified in the charter, any party to the dispute may apply to the Court to settle the dispute by order; and the Court may make such order in the matter as it thinks just.

(4) Sections 21 and 22 of this Act shall apply, with any necessary modifications, in respect of any application made to the Court under subsection (3) of this section.

31. Disputes between runanga—(1) Where a dispute arises between any 2 or more incorporated runanga, the parties to the dispute shall take all reasonable steps to settle the dispute.

(2) Subsections (3) and (4) of section 30 of this Act shall apply in respect of any dispute between incorporated runanga as they apply to disputes between members of an iwi and its incorporated runanga.

32. Further jurisdiction of Court—Without limiting any other provision of this Act or of any other Act, the Court shall have jurisdiction to determine any question relating to the interpretation or application of a charter.

33. Amendment of charter—(1) An incorporated runanga may at any time apply for the approval of the Court to an amendment of its charter.

(2) Subject to subsection (3) of this section, the application shall be treated in the same manner as if it were an application for incorporation, and sections 13 to 24 of this Act, so far as they are applicable and with any necessary modifications, shall apply accordingly.

(3) If the Registrar is satisfied that the proposed variation is of a clerical nature and is unlikely to be of concern to any person, the Registrar may dispense with the need for public notice, and refer the matter to the Court, to be dealt with as if there were no objections to it.

(4) Where a charter is amended, the Registrar shall record the amended charter of the runanga by sealing 2 copies with the Registrar's seal, and return 1 copy to the iwi.

34. Name of incorporated runanga—(1) No runanga shall be incorporated under this Act with—

- (a) A name that is the same as that of a body corporate that is already incorporated under this Act or any other Act; or
- (b) A name that so closely resembles the name of a body corporate already incorporated under this Act or any other Act as to be likely in the opinion of the Registrar to be mistaken for that name.

(2) No body shall be incorporated or registered under any other Act with—

- (a) A name that is the same as that of a body corporate that is already incorporated under this Act; or
- (b) A name that so closely resembles the name of a body corporate already incorporated under this Act as to be likely in the opinion of the Registrar to be mistaken for that name.

35. Protection of members of runanga—No member of an incorporated runanga shall be personally liable for any debt or obligation incurred by the runanga.

36. Runanga to have registered office—(1) Every incorporated runanga shall, as from the date of its incorporation, have a registered office within its takiwa to which all communications and notices may be addressed.

(2) Notice of any change in the situation of the registered office of an incorporated runanga shall be given to the Registrar not less than 7 days after the date of the change.

37. Runanga to have auditor—(1) Every incorporated runanga shall have an auditor, who shall be appointed from time to time by the iwi at a hui.

(2) The first auditor shall be appointed at the hui held for the purposes of section 8 of this Act, or at a hui of the iwi held not later than 3 months after the date of incorporation.

38. Disqualifications for appointment as auditor—No person shall be qualified for appointment as auditor of an incorporated runanga unless that person is—

- (a) A member of the New Zealand Society of Accountants; or
- (b) A member, fellow, or associate of an association of accountants constituted in some part of the Commonwealth outside New Zealand, and for the time being approved for the purpose of the audit of company accounts by the Minister of Justice by notice published in the *Gazette* under section 165 (4) of the Companies Act 1955.

39. Books of account—(1) Every incorporated runanga shall cause full and accurate accounts to be kept of all money paid and received, and of its revenue and expenses, and of its assets and liabilities.

(2) Any member or any duly authorised officer of an incorporated runanga may at all reasonable times inspect the books of the runanga and take copies of or extracts from them free of charge.

40. Yearly statements of account and report—At the close of each financial year, every incorporated runanga shall cause to be prepared and sent to its auditor a balance sheet showing the assets and liabilities of the runanga, an account of its revenue and expenses, and a statement of its cashflow, together with such other statements of account as may be necessary to show fully the financial position of the runanga and its financial operations during that year.

41. Right to inspect statements of account—Every member of an iwi in respect of which a runanga is incorporated may inspect the statements prepared pursuant to section 40 of this Act in respect of that runanga and may take copies of or extracts from them on payment of the prescribed fee.

42. Winding up of incorporated runanga—(1) Where—

- (a) Either—

(i) The iwi by which an incorporated runanga was incorporated is of the opinion that that incorporated runanga should be wound up; or

(ii) An incorporated runanga is unable to pay its debts; and

(b) The Court is of the opinion that it is just and equitable that the incorporated runanga should be wound up,—

the Court may order the winding up of the incorporated runanga.

(2) The Court shall not make an order in reliance on subsection (1) (a) (i) of this section unless the proceedings for the winding up of the incorporated runanga are commenced by an application signed by the persons authorised in accordance with section 43 (3) of this Act.

43. Application by iwi for winding up—(1) Where it is proposed by any members of an iwi that an incorporated runanga incorporated by that iwi should be wound up, a hui of the iwi shall be held to discuss the proposal.

(2) Reasonable notice of the hui shall be given to the members of the iwi.

(3) If the hui favours the winding up of the incorporated runanga, the people present shall determine the persons authorised to sign, on behalf of the iwi, an application to the Court for the winding up of the incorporated runanga.

(4) Every application by an iwi for the winding up of an incorporated runanga shall be signed by the persons authorised in accordance with subsection (3) of this section.

44. Appointment of liquidator—On making under section 42 of this Act of an order winding up an incorporated runanga, the Court shall appoint a suitable person to be the liquidator of the incorporated runanga.

45. Powers of liquidator—(1) On the appointment of a liquidator under section 44 of this Act, the liquidator shall have power to do all acts and to execute, in the name and on behalf of the incorporated runanga, all deeds, receipts, and other documents, and for the purposes to use, when necessary, the seal of the incorporated runanga.

(2) Subject to any directions of the Court, the liquidator shall sell, realise, or otherwise dispose of the assets of the incorporated runanga (other than its land), and shall hold the

proceeds of any such sale, realisation, or disposal (if any) to be dealt with in accordance with orders of the Court.

(3) Where any assets of the incorporated runanga consist of land, the liquidator may sell, realise, or otherwise dispose of that land only with the consent of the Court and in accordance with any directions of the Court.

(4) Where the liquidator sells, realises, or otherwise disposes of any land in accordance with subsection (3) of this section, the liquidator shall, subject to any directions of the Court, hold the proceeds of any such sale, realisation, or disposal (if any) to be dealt with in accordance with orders of the Court.

46. Dissolution of incorporated runanga—When a liquidator appointed under this Act has completed the winding up of the incorporated runanga, the liquidator shall file in the Court a full statement of account relating to the course and fulfilment of the winding up and, upon the Court being satisfied that the incorporated runanga has been properly wound up, the Court shall make an order dissolving it.

47. Application for directions—Any liquidator appointed under this Act may from time to time apply to the Court for directions with reference to the winding up.

48. Liability of liquidator—No liquidator appointed under this Act who acts pursuant to the rules of Court or to any directions given by the Court shall incur any liability to the incorporated runanga or to any other person or persons.

49. Discharge of liquidator—The Court may, at any time during the course of the winding up of an incorporated runanga, discharge a liquidator appointed under section 44 of this Act, and may appoint some other person as liquidator in place of the original appointee.

50. Remuneration of liquidator—Any liquidator appointed under this Act shall be entitled to be paid, out of the income and other assets of the incorporated runanga, such remuneration as the Court may order.

51. Dissolution by Registrar—(1) If at any time a Registrar—

- (a) Is satisfied, after sending a registered letter to an incorporated runanga in accordance with subsection (4) of this section, that the incorporated runanga is no longer carrying on its operations; or

(b) Is satisfied that an incorporated runanga has been incorporated by reason of a mistake of fact or law,—that Registrar may make under the Registrar's seal a declaration that the incorporated runanga is dissolved as from the date of the declaration, and shall thereupon publish the declaration in the *Gazette*, and make in the register an entry of the dissolution of the incorporated runanga.

(2) On the making of that entry the incorporation of the incorporated runanga shall cease as from the date of the declaration.

(3) At any time thereafter the Registrar, on being satisfied that the declaration was made in error and ought to be revoked, may revoke the same by a declaration in the *Gazette*, and shall thereupon make an entry of that revocation in the register, and the incorporated runanga shall thereupon be revived from the date of the dissolution thereof as if no such dissolution had taken place.

(4) A Registrar may at any time send to any incorporated runanga, by registered letter addressed to it at its registered office, an inquiry as to whether or not the incorporated runanga is still carrying on its operations. If no reply is received to that letter within 6 months after the date of the posting thereof, or if the letter is not delivered and is returned to the Registrar, that shall be sufficient to satisfy the Registrar that the incorporated runanga is no longer carrying on its operations:

Provided that nothing in this subsection shall prevent a Registrar from satisfying himself or herself to that effect in any other manner.

52. Distribution of surplus assets on dissolution by Registrar—On the dissolution of an incorporated runanga by a Registrar, all surplus assets after the payment of all costs, debts, and liabilities shall be disposed of as the Court directs.

53. Incorporated runanga not Crown agencies—Subject to the provisions of any Act other than the Public Finance Act 1989, no incorporated runanga shall be a Crown agency within the meaning of the Public Finance Act 1989.

PART III

AUTHORISED VOICES OF IWI

54. Power of iwi to register authorised voice—(1) Every iwi has the right in accordance with this Act, to register any body corporate (including a runanga incorporated in accordance with this Act or a Maori Trust Board within the

meaning of section 2 of the Maori Trust Boards Act 1955) as the authorised voice of that iwi.

(2) Notwithstanding anything in subsection (1) of this section, any 2 or more iwi may agree to register one body corporate as the authorised voice of those iwi.

(3) In any case where, under subsection (2) of this section, 2 or more iwi agree to register one body corporate as the authorised voice of those iwi, any dispute between those iwi concerning the manner in which the body corporate is exercising, or is proposing to exercise, its role as the authorised voice of those iwi may be dealt with by the Court under section 30 of this Act as if it were a dispute between members of an iwi and the runanga.

55. Proposal to register authorised voice to be considered by hui—(1) Where it is proposed by any members of an iwi that a body corporate be registered under this Act as the authorised voice of that iwi, a hui of the iwi shall be held to discuss the proposal.

(2) Reasonable notice of the hui shall be given to the members of the iwi.

(3) If the hui favours the proposal, the people present shall determine how and by whom all the steps necessary for the registration of the body corporate as the authorised voice of the iwi are to be taken.

56. Registrars of Authorised Voices—For the purposes of this Act, every person who is for the time being a Registrar of the Maori Land Court shall also hold office as a Registrar of Authorised Voices.

57. Registry Offices—(1) For the purposes of this Act, every office of the Maori Land Court shall also be a Registry Office for Authorised Voices.

(2) Where any of the provisions of this Act provide, in relation to an iwi, the applications and other documents that may be filed with or sent to, or are required to be filed with or sent to, a Registrar, those applications and other documents shall, subject to subsection (3) of this section, be filed in or sent to the Registry Office for the Maori Land Court District in which the takiwa of the iwi is situated.

(3) If the takiwa of an iwi covers two or more Maori Land Court Districts, any application for the registration of a body corporate as the authorised voice of that iwi may be filed in the Registry Office for any one of those districts.

58. Seal—Every Registrar shall have a seal of office, of which judicial notice shall be taken for all purposes.

59. Application for registration of authorised voice—Where a hui of an iwi favours the proposal that a body corporate be registered as the authorised voice of that iwi, the persons chosen at the hui to take the steps necessary for registration of that body corporate may apply to the Registrar for the registration of that body corporate.

60. Procedure in relation to application—Every application shall—

- (a) Be made in the prescribed form and in the name and with the consent of each of the persons chosen at the hui under section 55 (3) of this Act to prepare the application; and
- (b) Include such particulars as may be necessary to show that the people on whose behalf the application is made constitute an iwi in terms of section 5 of this Act; and
- (c) Be accompanied by—
 - (i) The prescribed fee; and
 - (ii) A statutory declaration, made by one of the persons referred to in paragraph (a) of this section, stating that the proposal to register the body corporate as the authorised voice of the iwi was discussed at a hui convened for the purposes of section 55 (1) of this Act, that the hui supported the proposal, that the hui chose each of the persons named in the application to prepare the application on behalf of the iwi, and that the person making the declaration has been authorised to do so by the other persons referred to in that paragraph; and
- (d) Specify the name and address of a person who is authorised to receive any document for the purposes of this Part of this Act on behalf of the iwi, and any such document given to that person or sent to that person at that address shall be deemed to have been given or sent to the iwi.

61. Withdrawal of application—(1) Subject to subsections (2) to (4) of this section, an iwi may, at any time before its application is determined under section 67 or section 70 of this Act, withdraw the application.

(2) Where it is proposed by any members of an iwi that an application under this Act for the registration of a body

corporate as the authorised voice of the iwi be withdrawn, a hui of the iwi shall be held to discuss the proposal.

(3) Reasonable notice of the hui shall be given to the members of the iwi.

(4) If the hui favours the withdrawal of the application, the people present shall determine how and by whom all the steps necessary for the withdrawal of the application are to be taken.

(5) Where any application is withdrawn before public notice of that application has been given under section 64 of this Act, any fees paid under this Act in respect of that application shall be refunded to the person by whom they were paid.

62. Registrar to check application—On receipt of an application under section 59 of this Act, the Registrar shall check the application to ensure that it complies with the requirements of this Act and of any regulations made under this Act.

63. Application may be referred back—(1) Where, in respect of any application under section 59 of this Act, the Registrar considers that the application does not comply with all the requirements of this Act and the regulations made under it, the Registrar may, instead of dealing with the application under section 64 of this Act, refer the application back to the iwi.

(2) If the Registrar does refer the application back to the iwi and the iwi wishes to object to that action, it may apply to the Court for a review of the Registrar's decision, and the Court may make all such orders or give all such directions in the matter as it thinks fit.

64. Public notice of application—(1) On being satisfied that the application does comply with the requirements of this Act and the regulations made under it, the Registrar shall give public notice of the application in accordance with subsection (2) of this section.

(2) Public notice of an application shall be given—

(a) By means of a notice published twice in a newspaper or newspapers circulating in the takiwa of the iwi concerned, and in such other takiwa as the Registrar may think fit having regard to the number of members of the iwi believed to be living in that or those other takiwa, with an interval of not less than 5 nor more than 10 days between each publication; and

- (b) By such other means as the Registrar considers necessary to ensure that those having an interest in the matter are made aware of the application.
- (3) The public notice shall—
 - (a) State that the application has been made; and
 - (b) Specify the places where copies of the application may be inspected; and
 - (c) Specify a date, being not less than 28 working days after the first publication of the notice, by which objections to the application may be filed under section 65 of this Act.

65. Objections—(1) Within 28 working days after the first publication of the notice under section 64 of this Act, or within such longer period as may have been specified in the notice or as the Court may allow, an objection to the application may be filed in the Court, in accordance with the rules of Court, by any person specified in subsection (2) of this section on any ground specified in subsection (3) of this section.

- (2) The following may object:
 - (a) Any representative of any hapu or other recognised section or division of the iwi concerned;
 - (b) Any incorporated runanga;
 - (c) Any representative of any other iwi;
 - (d) Any body corporate that is registered under section 72 of this Act as the authorised voice of an iwi;
 - (e) Any other member of any iwi, with leave of the Court.
- (3) Objections may be made on any of the following grounds:
 - (a) That the people on whose behalf the application is made do not constitute an iwi in terms of section 5 of this Act;
 - (b) That the takiwa as described in the application includes any area that properly belongs within the takiwa of another iwi;
 - (c) That the application does not carry sufficient support of the members of the iwi on whose behalf it is made.

(4) Notwithstanding anything in subsection (1) of this section, no objection may be made on the ground specified in subsection (3)(c) of this section other than by a person described in subsection (2)(a) of this section.

66. Notice of hearing of opposed application—As soon as practicable after the expiry of the period prescribed or allowed for the filing of objections, the Registrar of the Court shall, if any objection is filed within that period,—

- (a) Fix a time and place for the hearing of the application;
and
- (b) Give notice of the time and place so fixed to the iwi and to each objector; and
- (c) Give a copy of each objection to the applicant and to each of the other objectors.

67. Consideration and determination of unopposed application—(1) Where no objection to an application is filed within the time prescribed or allowed, the Registrar shall refer the application to the Court for consideration and determination.

(2) Where an application is referred to the Court under subsection (1) of this section, the Court may consider and determine that application without holding a hearing.

(3) A Registrar shall have and may exercise, in relation to any application referred to the Court under subsection (1) of this section, all the jurisdiction and powers of the Court.

68. Powers of Judge to call conference and give directions in respect of opposed application—(1) For the purpose of ensuring that any application in respect of which an objection is filed may be determined in a convenient and expeditious manner, and that all matters in dispute may be effectively and completely determined, a Judge may at any time, either on the application of any party or intended party or without any such application, and on such terms as the Judge thinks fit, direct the holding of a conference of parties or intended parties presided over by a Judge.

(2) At any such conference, the Judge presiding may do all or any of the following things:

- (a) With consent of the applicant, amend the application to give better effect to the applicant's intention;
- (b) Settle the issues to be determined by the Court under section 70 of this Act;
- (c) Give directions as to service, and as to the public notification of the application, any objection, and any hearing;
- (d) Direct by whom and by what time any notice of intention to appear, or any statement in reply, shall be filed;
- (e) Direct the filing of further particulars by any party;
- (f) Direct further research by any party, or by the Registrar from the Court records;
- (g) Direct the filing by any party of any report that may assist the Court in determining any matter in issue:

- (h) Fix a time by which affidavits or other documents shall be filed:
 - (i) Exercise any powers of direction or appointment vested in the Court or a Judge by the rules of Court in respect of applications under this Part of this Act:
 - (j) Give such consequential directions as may be necessary:
 - (k) Fix a time and place for the hearing of the application.
- (3) Notwithstanding any of the foregoing provisions of this section, a Judge may, at any time before the hearing of an application has been commenced, exercise any of the powers specified in subsection (2) of this section (other than the power specified in paragraph (b) of that subsection) without holding a conference under subsection (1) of this section.

69. Procedure—(1) At the hearing of any application under this Part of this Act, the following persons shall be entitled to appear and be heard:

- (a) The applicant:
 - (b) Any objector:
 - (c) Any other person who wishes to be heard in respect of the application or of any objection to it, by leave of the Court.
- (2) The applicant and every objector shall have all the rights of a party to proceedings before the Court in its ordinary jurisdiction.
- (3) The Court may confer the rights of a party on any person to whom leave is granted under subsection (1) (c) of this section.

70. Determination of application—(1) Where an objection to an application is filed within the time prescribed or allowed, the Court shall hear and determine the application as soon as practicable.

- (2) That Court shall not grant the application unless it is satisfied of each of the following matters:
- (a) That the people on whose behalf the application is made constitute an iwi in terms of section 5 of this Act:
 - (b) That the takiwa described in the application is the customary takiwa of the iwi and does not include any area that properly belongs within the takiwa of another iwi:
 - (c) That the application carried sufficient support of the members of the iwi.
- (3) When the Court has finally determined an application, it shall give written notice of its decision, and of the reasons for it, to the iwi and to each of the other parties.

71. Provisional order in respect of takiwa—

(1) Notwithstanding anything in section 70 of this Act, where on an application for registration of a body corporate as the authorised voice of an iwi, the Court is satisfied of all matters except the proper description of the takiwa, it may grant the application but express the order to be provisional only in respect of the description of the takiwa.

(2) In any case to which subsection (1) of this section applies, the Court may subsequently make a final order as to the description of the takiwa.

72. Registration of authorised voice—(1) If the Court determines to grant the application, the Registrar shall—

(a) Enter the name of the iwi and the name of the body corporate registered as the authorised voice of the iwi, and such other particulars as may be prescribed or as the Registrar may think fit, in the register kept by the Registrar for the purposes of this Act; and

(b) Issue to the iwi a certificate of registration.

(2) Notwithstanding anything in subsection (1) of this section, the Registrar shall not take any action under that subsection until the time for appeals against the Court's order has expired, and any appeal has been finally determined.

(3) A certificate of registration issued under subsection (1) (b) of this section shall be conclusive evidence that the body corporate named in it is registered under this Act as the authorised voice of the iwi named in the certificate.

73. Role of authorised voice—(1) An authorised voice of an iwi shall be recognised by the Crown and by all local and public authorities as the authorised voice of the iwi.

(2) Where any enactment requires consultation with any iwi or with any iwi authority and an authorised voice is registered under section 72 of this Act in respect of that iwi, that consultation shall be held with that authorised voice.

74. Cancellation of registration—(1) Where a body corporate is registered under this Act as the authorised voice of an iwi and it is proposed by any members of that iwi that the registration of that body corporate as the authorised voice of that iwi be cancelled, a hui of the iwi shall be held to discuss the proposal.

(2) Reasonable notice of the hui shall be given to the members of the iwi.

(3) If the hui favours the cancellation of the registration of the body corporate as the authorised voice of the iwi, the people present shall determine the persons authorised to sign, on behalf of the iwi, a written notice requesting the Registrar to effect the cancellation.

(4) Where a notice which requests the Registrar to effect the cancellation and which is signed by the persons authorised in accordance with subsection (3) of this section is given to the Registrar, the Registrar shall effect the cancellation.

PART IV

GENERAL PROVISIONS

75. Constitution of Court—(1) Notwithstanding anything in the Maori Affairs Act 1953, for the purpose of hearing any matter in respect of which the Court has jurisdiction under section 23 or section 30 or section 31 or section 32 or section 33 or section 70 of this Act, the Court shall consist of—

(a) As presiding member—

(i) The Chief Judge of the Court; or

(ii) A Judge of the Court nominated by the Chief Judge to act as presiding officer; and

(b) Two other members to be appointed by the Chief Judge of the Court.

(2) The Chief Judge shall, before appointing under subsection (1) (b) of this section the persons who will be members of the Court for the purpose of any hearing, consult with the parties to the proceedings about the knowledge and experience that those members should possess.

(3) Before entering upon the exercise of the duties of their office, the members of the Court appointed under subsection (1) (b) of this section shall take an oath before a Judge of the Court that they will faithfully and impartially perform the duties of their office.

(4) There shall be paid to the members of the Court appointed under subsection (1) (b) of this section, out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the Court were a statutory Board within the meaning of that Act.

76. Quorum and decision of Court—(1) Where, in relation to any proceedings, the Court is constituted under section 75 of this Act, the presence of all 3 members shall be

necessary to constitute a sitting of the Court for the purposes of those proceedings.

(2) The decision of a majority of the members shall be the decision of the Court.

(3) The decision of the Court in every case shall be signed by the presiding member, and may be issued by the presiding member or by any other member of the Court or by the Registrar of the Court.

77. Iwi management plans—(1) Any incorporated runanga or authorised voice may at any time prepare, in relation to the iwi for which it is the authorised voice, an iwi management plan.

(2) An iwi management plan shall be a document that provides a resource management planning overview of those matters that are of significance for the organisation and development of the iwi.

78. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Prescribing forms for the purposes of this Act:

(b) Prescribing fees payable under this Act:

(c) Providing for the setting up and maintaining of registers and records for the purposes of this Act, and prescribing the matters to be entered in any such register or record:

(d) Providing for such other matters as are contemplated by this Act or as may be necessary for its due administration.

This Act is administered in the Ministry of Maori Affairs.
