



Whakatohea Maori Trust Board Order 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 16th day of December 2002

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 55 of the Maori Trust Boards Act 1955, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

1 Title

This order is the Whakatohea Maori Trust Board Order 2002.

2 Commencement

This order comes into force on the day after the date of its notification in the *Gazette*.

3 Interpretation

In this order,—

Act means the Maori Trust Boards Act 1955

election means the election of members of the Trust Board held in May 2002

regulations means the Maori Trust Boards Regulations 1985

Trust Board means the Whakatohea Maori Trust Board.

4 Background

- (1) The Trust Board held the election in May 2002.
- (2) However, the election was irregular for the following reasons:
 - (a) the ballot papers named certain divisions of the Board in terms slightly different to the names specified in the third column of the Second Schedule of the regulations, specifically—
 - (i) Ngaitama sub-tribe was described as “Ngati Tamahau”:
 - (ii) Ngati Patu sub-tribe was described as “Ngati Patumoana”:
 - (iii) Ngati Rua sub-tribe was described as “Ngati Ruatakenga”:
 - (iv) Ngatiira sub-tribe was described as “Ngati Irapuaia”:
 - (b) the ballot papers for each division of the Board were not printed on different coloured paper:
 - (c) the business-reply envelope enclosed with the ballot paper included, on its outside, a barcode for the beneficiary rather than the beneficiary’s roll number:
 - (d) the form of ballot paper was not in the exact form specified in the Eighth Schedule of the regulations:
 - (e) the declaration to be filed by each voter was not in the exact form specified in the Ninth Schedule of the regulations:
 - (f) the Returning Officer for the election was not formally appointed by the Minister.

5 Validation

- (1) The election is, and has always been, valid, despite the irregularities specified in **clause 4(2)(a) to (e)**.

- (2) Tahu Taia was validly appointed as returning officer for the election despite the irregularity specified in **clause 4(2)(f)**.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the day after the date of its notification in the *Gazette*, validates the election, in May 2002, of members of the Whakatohea Maori Trust Board and the appointment of the returning officer for that election. The election suffered from various irregularities specified in the order.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 18 December 2002.
This order is administered in Te Puni Kokiri.
