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# *Registered Rules & Regulations*

*Registered Number: CC56293*

*Established: 15 August 1996  
Amended: 27 September 2003  
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Re-Registered: 21/01/2020*

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## **RULES OF TE IWI O RAKAIPAACA INCORPORATED**

### **1. NAME**

The name of the incorporated society shall be:

**TE IWI O RAKAIPAACA INCORPORATED**

### **2. REGISTERED OFFICE**

The registered office of **Te Iwi o Rakaipaaka Incorporated** shall be at:

**Ngati Rangi Street, SH 2, R D 8,**

**Nuhaka**

### **3. INTERPRETATIONS:**

- 3.1** The “**Act**” means The Incorporated Societies Act 1908 and its subsequent Amendments.
- 3.2** “**Constituent**” means the basic units, individual or organisational, who make up the Iwi, are served by the Iwi and are eligible to participate in Iwi affairs.
- 3.3** “**Iwi**” means Te Iwi o Rakaipaaka Incorporated.
- 3.4** “**General Meeting**” means any formal general meeting of the Iwi constituents convened to discuss Iwi affairs.
- 3.5** “**Annual General Meeting**” means the General Meeting convened to report on the preceding year’s activities, to adopt the annual accounts and to confirm Iwi strategies.
- 3.6** “**Special General Meeting**” is a General Meeting to the Iwi convened to deal with contingent matters.
- 3.7** “**Hapu**” are the current and historical sub-tribes of the Iwi.
- 3.8** “**Kawa**” means cultural and ceremonial protocols.
- 3.9** “**Korero**” means any oral story, explanation, history, teaching or oratory expression.
- 3.10** “**Mana**” means the prestige and ritual authority of the Iwi.
- 3.11** “**Ngakau**” embraces the shared principles, values and themes which bind the diverse peoples together as the Iwi.
- 3.12** “**Taonga**” means any Iwi possession which has intrinsic or physical value in traditional, cultural or economic terms.

- 3.13 “**Tikanga**” means the enduring values, and philosophies and principles which underpin the Iwi undertakings.
- 3.14 “**Tohunga**” means and expert in any social, economic or cultural endeavour.

#### 4. NGAKAU: (PREAMBLE)

##### 3.1 WHAKATAUAKI: (PROVERB)

*Moumoukai te Maunga, Tu mai ra!  
Te Whakaruru, Te Whare Korero  
E kore e riro*

*Waitirohia te awa Nuhaka, E rere ra!  
Te matapuna o te ora  
E kore e maroke*

*Rakaipaaka te Iwi, o ratou ma!  
Kore, E kore e ngaro.*

##### TRANSLATION

*Moumoukai the maunga!  
Greetings and salutations.  
Our mountain home, refuge and fortress  
Repository of histories and taonga.  
Never desecrated, never taken, Never.*

*Waitirohia our Nuhaka river!  
Continuously flowing and affording  
The life preserving fountain  
Our enduring existence, Our endless resource.*

*RAKAIPAACA! Descendants of those long gone,  
The bold and the brave  
Lost? Vanquished? Never! No, Never!*

- 4.02 The Iwi O Rakaipaaka is comprised of a complex of descendants of the eponymous ancestor Rakaipaaka, hapu, whanau, marae, and bona fide institutions and organisations who are bonded by genealogy and historical relationships.
- 4.03 The *ahi ka* or heartland, of the Iwi is historically and culturally defined in terms of significant phenomena, events, sites and geographic features.
- 4.04 The physical focus points of the Iwi are the maunga Moumoukai, various Sacred sites, the rivers Waitirohia and Nuhaka and their tributaries as well as the tipuna whare: Manutai and Hineahi, Kahungunu, Te Tahinga, Kotahitanga, Te Poho O Te Rehu and Katea, Tamakahu and Hine Whakarua, and Taane Nui A Rangi and Maata Kahuimanu.

- 4.05** The mana of the Iwi resides within its diverse constituent members and combines to form the prestige and ritual authority of RAKAIPAACA
- 4.06** Tikanga The guiding principles and values of the Iwi are: wairuatanga (Spirituality), manakitanga (caring), tatau tatau (sharing), Whanaungatanga (a strong sense of family) and maramatanga (a continual quest for enlightenment).
- 4.07** At all levels, roles, relationships, tikanga and kawa structure the social Dynamics of Iwi activities, Kaumatua, tohunga, wahine, tane and rangatahi Each play vital organisational and integrating roles and these roles are linked by mutual respect.
- 4.08** The Kaumatua are accorded and accept the role of custodians and guardians of kawa, tikanga and traditional wisdom.

## **5. AIMS AND OBJECTIVES OF THE IWI**

- 5.01** To be charitable within New Zealand in accordance with the law of New Zealand.
- 5.02** To provide a platform for research, identification, restoration, development and retention of Iwi taonga, in particular whakapapa, reo, korero, tikanga, kawa, waiata, art and craft forms and historic sites and artefacts.
- 5.03** To provide a repository and information base for elements of cultural value.
- 5.04** To provide protection of Iwi taonga.
- 5.05** To provide a forum for strategic planning for social and economic issues of common concern.
- 5.06** To facilitate consensus among Iwi constituents on issues of common concern.
- 5.07** To act as an advocate for the Iwi constituents when requested.
- 5.08** To act as a vessel for action in social and economic development of Iwi and Iwi constituents.
- 5.09** To plan and implement programmes which strengthen Iwi kinship ties.
- 5.10** To transfer to the Iwi and constituents enlightened skills in organisational and asset management.

## **6. CONSTITUENTS OF THE IWI.**

- 6.01** Constituents of the Iwi shall be any descendant of Rakaipaaka or any Individual who is a member of a bona fide organisation which contributes to the *mana* of the Iwi.

- 6.02** Any registered constituent member who has reached the age of majority or any Member of a registered constituent organisation shall be eligible to participate in Iwi affairs.

## **6.10 REGISTRATION OF MEMBERS**

- 6.11** The Iwi shall appoint a registrar to maintain a register of registered members in compliance with Section 22 of the Act.
- 6.12** Any constituent member whether individual or organisational may become a registered member of the Iwi by verbal or written application to the registrar.
- 6.13** All applications for registration shall be accompanied by the applicant's full Name residential address and occupation or in the case of constituents organisations the name of the organisation, the signatures of two officers and the date of the meeting at which it was resolved to become a member.
- 6.14** Registration of any member may be declined or revoked by any General Meeting by a majority vote of seventy five percent of those in attendance on the grounds that the person in question does not meet the requirements of registration.
- 6.15** The burden of proof that any person does not meet the requirements of Requirements of registration shall lie with the mover of the motion declining of revoking membership.

## **7 POWERS OF THE IWI**

- 7.01** To exercise of the sovereignty of the Iwi by the Iwi through General Meetings and through delegations to the Management Committee.
- 7.02** To elect its own Management Committee.
- 7.03** To employ human and technological resources necessary to efficiently achieve Iwi objects.
- 7.04** To purchase, lease, acquire let or dispose of real or personal property for the purpose that are consistent with the attainment of the Iwi objects.
- 7.05** To invest moneys not immediately required for the attainment of the Iwi Objects in such security as the Management Committee may decide.
- 7.06** To draw, accept and negotiate cheques, bills of exchange, and other negotiable instruments.
- 7.07** To borrow or raise by issue of bonds, guarantees, debentures, bills of Exchange, promissory notes of by mortgage of charge over all or part of the assets of the Iwi.
- 7.08** To obtain, collect, generate, earn and receive money income and funds, by

way of contributions, donations, subscriptions, legacies fees, grants of any other lawful method and to accept and receive gifts of property whether in trust or otherwise.

- 7.09** To erect, maintain and improve or alter any real or personal property in the care, custody or ownership of the Iwi.
- 7.10** To join, amalgamate, co-operate or affiliate with or support any other Person or association of persons or bodies corporate for purposes consistent with the Iwi objects.
- 7.11** To enter into arrangements with government agencies, local authorities or any other Crown institutions, or to obtain from or grant to any such agency or authority any rights, privileges, concessions and obligations which are conducive to the attainment of the Iwi objects.
- 7.12** To engage in contracts of or contracts for service to perform services in the furtherance of the Iwi objects.
- 7.13** To do all such other things that the Iwi deems necessary incidental or conducive to the attainment of the Iwi objects and the proper and lawful exercise of its powers.

## **8. MANAGEMENT OF THE IWI**

- 8.01** Management of the day to day affairs of the affairs of the Iwi and the security Of Iwi assets shall be delegated to an elected Management Committee.
- 8.02** “The Management Committee shall consist of a total of twelve members made up of six members elected at a General Meeting pursuant to clauses 9.01 to 9.07 of these rules and six members elected by their respective marae pursuant to clauses 9.08 to 9.10 of these rules”
- 8.03** Within two months of the incorporation of the Iwi an inaugural general meeting shall be convened for the purpose of electing the Management Committee.
- 8.04** The term of office for the members elected to the Management Committee Shall be three years and any member whose term has expired may stand for re-election.
- 8.05** The Management Committee shall be responsible for drafting and implementing strategic and annual plans.

## **8.20 REGISTRATIONS AND TERMINATIONS OF OFFICE**

- 8.21** Any elected member may resign by tendering a written resignation to the Chairperson of the Management Committee.
- 8.22** Any member of the Management Committee who is absent without leave for three consecutive meetings shall be deemed to have resigned.

- 8.23** Any member of the Management Committee may be dismissed for gross breach of the Iwi rules by majority vote of the Iwi at a General Meeting convened to hear evidence of such breaches.
- 8.24** All hearings of gross breaches of the Iwi Rules shall have regard for the Principles of natural justice.
- 8.30 OFFICERS OF THE MANAGEMENT COMMITTEE**
- 8.31** As soon as possible after elections the elected members shall appoint the officers of Management Committee officers from their own ranks.
- 8.32** There shall be a Chairperson, Deputy Chairperson, Secretary and Treasurer.
- 8.33** The Management Committee shall be responsible for providing all its officers With the necessary technical skills and resources to perform their duties effectively.
- 8.34** Immediately prior to the holding of the triennial elections, job descriptions for the officers of the Management Committee shall be adopted.
- 8.40 SUB COMMITTEES AGENTS AND CONSULTANTS**
- 8.41** The Management Committee may appoint expert individuals or sub committees comprised of members with appropriate expertise to execute pre defined projects which contribute to the attainment of the Iwi objects.
- 8.42** The Management Committee may appoint consultants or agents who need not necessarily be Iwi members to execute any project or undertaking in the furtherance of the Iwi objects.
- 8.43** Sub Committees shall be chaired by a member of the Management Committee.
- 8.44** All costs and outputs associated with sub committees, agents and consultants shall be controlled by the Management Committee.
- 8.45** All sub committees shall report directly to the Management Committee.
- 8.46** All Management Committee may not delegate responsibility or liability to appointed sub committees, agents or consultants.

## **9. ELECTIONS**

- 9.01** “Six of the Management Committee members shall include the Chairpersons of the 6 Marae who shall be elected by registered members at a<sup>1</sup> General Meeting convened for that purpose”.

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<sup>1</sup> Amendment moved and supported at the Te Iwi O Rakaipaaka Inc. AGM 17<sup>th</sup> June 06, held at Kahungunu Marae, Nuhaka.



- 9.02** Eligible members of the Iwi may be nominated and seconded by post or in Person at the General Meeting. Each postal nomination shall include the names, addresses and signatures of the nominee, nominator and seconder.
- 9.03** Only registered members shall be eligible to accept nominations, submit Nominations or to nominate proxies.
- 9.04** Nominations may be made by individual constituents of the Iwi or bona fide Constituents organisations of the Iwi.
- 9.05** All postal nominations made by constituent organisations shall be made in Writing under the signature of two officers of the organisation and accompanied by the date of the meeting at which the organisation resolved to make the nomination.
- 9.06** All postal nominations postal votes and proxies submitted by individuals shall be confirmed by the election meeting before being eligible.
- 9.07** Postal nominations shall be received only up to three days prior to the Elections.
- 9.08** Six of the Management Committee members shall be Marae Members. Each Marae member shall be elected by one of each of the following constituent Marae of Ngati Rakaipaaka to represent the particular interests of that Marae:  
a. Manutai, b. Kahungunu, c. Tane nui a Rangi, d. Tamakahu, e. The Unity Hall, f. Te Poho o Te Rehu.
- 9.09** Each of the six marae shall convene and complete an election form in accordance with the following principles:  
a. adequate advance panui to be given for calling nominations, panui nominees and voting time(s), place(s) and date(s);  
b. a “register” of participants shall be kept;  
c. voting shall be in a hui-a-marae/hui-a-hapu;  
d. voting by postal ballot shall be made available.
- 9.10** An election report (including register of participants and election results) of and for each marae election shall be documented and communicated to the General Meeting and the person named as the elected member for each Marae shall be a member of the Management Committee.
- 9.20 CASUAL VACANCIES**
- 9.21** Casual vacancies on the Management Committee may be filled by co-option by the Management Committee provided that such appointments shall be ratified by the Iwi at the following General Meeting.
- 9.22** The term of office of co-opted members to the Management Committee shall expire at the same time as elected members.
- 10. DUTIES AND RESPONSIBILITIES OF THE MANAGEMENT COMMITTEE**

## **10.10 CONTROL OF MONIES AND ASSETS**

- 10.11** The Management Committee shall open and operate a current account with a trading bank of its choosing or by resolution at a general meeting.
- 10.12** All monies received shall be receipted by the treasurer and paid to the bank account of the Iwi.
- 10.13** All cheques or withdrawal slips drawn on the accounts of the Iwi shall be Signed by at least two authorised persons of the Management Committee Except where the Iwi has authorised an agent to act on it's behalf.
- 10.14** All financial transactions of the Iwi shall be recorded in a current cash book.
- 10.15** All receipts and payments shall be accompanied by appropriate vouchers.
- 10.16** No cheques or withdrawal forms shall be signed without a signatory sighting the relevant voucher and checking for its authenticity.
- 10.17** All originating documentation, statements and vouchers shall be kept on file and shall be available at all times for audit.
- 10.18** A current financial report including current receipts, payments and balances shall be table at each Management Committee Meeting for inspection and adoption by the Management Committee.
- 10.19** The income and property of the Iwi however derived shall be applied solely to the promotion and attainment of the objects of the Iwi and no portion thereof shall be transferred directly or indirectly to members of the Management Committee or the Iwi provided that nothing herein shall prevent the payment in good faith for reasonable remuneration to any officer or servant of the Iwi for services actually rendered to the Iwi nor prevent the payment of interest at current rates on money lent or reasonable rent for premises let by any member of the Iwi.

## **10.20 CONSULTATION**

- 10.21** The Management Committee shall consult with the Iwi at General Meetings on all strategic matters.
- 10.22** Where clarification is required on matters of tikanga and kawa Iwi shall consult with the Kaumatua of its constituent members.
- 10.23** The Management Committee shall avoid violation of the autonomy of its constituent members.

## **10.30 CONFLICTS OF INTEREST**

- 10.31** The treasurer shall not be a signatory to cheques or withdrawal forms.

- 10.32** There shall be no more than one signatory to cheques and withdrawal forms from any one household.
- 10.33** No member shall be a signatory to a cheque or withdrawal form for a payment Of which that member is a recipient.

## **11. MEETINGS**

### **11.0 GENERAL AND SPECIAL MEETINGS**

- 11.01** There shall be an Annual General Meeting held every year in the month of the inaugural General Meeting.
- 11.02** Annual General Meetings, Special General Meetings shall be convened by The Secretary of the Management Committee by two instalments in the public Notices of the Wairoa Star, the Gisborne Herald and the Herald Tribune.
- 11.03** Such advertisements shall be placed at least two weeks prior to the date of the meeting convened.
- 11.04** The advertisements shall state the principle items of the agenda.
- 11.05** Special General Meetings may be called by resolution of the Management Committee or by written petition to the Management Committee by no less than twenty registered members. Such petitions to include the names, addresses and signatures of the petitioners as well as a clear reason for calling the meeting.

### **11.20MANAGEMENT COMMITTEE MEETINGS**

- 11.21** The Management Committee shall meet as often as is necessary to properly manage Iwi affairs but no less than once every three months.
- 11.22** The Management Committee Meetings shall be minuted to clearly document The conduct of business including confirmation of apologies, past minutes, correspondence, financial and other reports and matters of special or general business.
- 11.23** All business shall be dealt with by way of resolution passed by simple Majority.
- 11.24** All sub committees shall provide regular reports for the perusal of the Management Committee.
- 11.25** Except for business matters conducted “in Committee” the minutes of the Management Committee shall be made available for inspection on request by any constituent member.

### **11.30 QUORUMS**

- 11.31** No business shall be conducted at any formal meeting without a quorum

present.

- 11.32** The quorum for Annual General Meetings and Special General Meetings shall be twenty registered members.

#### **11.40 STANDING ORDERS**

- 11.41** All formal meetings shall be conducted in a manner that is democratic, consistent with the principles of natural justice and best serves the fair, legal and efficient expedition of the Iwi affairs.
- 11.42** The Chairperson shall rule on all points of order without debate.
- 11.43** Any member may move “that the Chairperson’s decision be dissented from” And if the motion is seconded the Chairperson shall vacate the chair and the motion shall be put without debate. The resulting decision shall be ratified by the Chairperson on the resumption of the chair.

#### **12. AUDIT OF ACCOUNTS**

- 12.01** At each Annual General Meeting the Iwi shall appoint an auditor in accordance with the requirements of Section 23 of the Act.

#### **13. THE ANNUAL REPORT AND STATEMENT OF ACCOUNTS**

- 13.01** The Management Committee shall at the Annual General Meeting present a Report dealing with the affairs of the Iwi for the preceding year supported by the duly audited Statement of Income and Expenditure of the Iwi and the current Balance Sheet.
- 13.02** Following the adoption of the annual accounts by the Annual General Meeting copies of such reports and statements shall be lodged with Registrar of Incorporated Societies and to all institutions and individuals as required by law.

#### **14. RULE CHANGES AND AMENDMENTS**

- 14.01** All changes to the Iwi Rules whether additions, rescission or amendments shall be made by resolution of a General Meeting carried by a majority of at least seventy five percent of eligible constituent members in attendance.
- 14.02** Proposals for Rule changes shall be made by written notice of motion to the chairperson.
- 14.03** All notices of motion must be received by the chairperson at least fourteen Days before the meeting at which the motion will be dealt with.
- 14.04** Prior approval must be obtained from the Inland Revenue Department before any alterations, additions or cancellations to the Rules of Te Iwi o Rakaipaaka Incorporated are completed.

## **15. CUSTODY AND USE OF THE COMMON SEAL**

- 15.01** The common seal of the Iwi shall be in the safe custody of the secretary of the Management Committee and shall be used only on the authority of a Resolution of the Management Committee.
- 15.02** Every instrument to which the seal is affixed shall be signed by any two of the Chairperson, the Deputy Chairperson and one other member of the Management Committee nominated by the Management Committee.

## **16. CONFLICT RESOLUTION**

- 16.01** The Management Committee may on request offer to mediate on issues of conflict between constituent members.
- 16.02** The Management Committee shall in the first instance attempt to mediate any conflict between itself and any constituent of the Iwi.
- 16.03** Where conflict between the Management Committee and constituent members is unable to be resolved in the first instance the Management Committee shall refer the matter for mediation to an independent person or organisation who or which is acceptable to both the parties in conflict.
- 16.04** At all times and legal and natural rights of the complainant shall be observed.

## **17.0 VOLUNTARY WINDING UP**

- 17.01** The following procedure shall be adopted for winding up of the Iwi:
- (a) A Special General Meeting shall be convened with thirty days notice Specifically to discuss winding up.
  - (b) A majority of seventy five percent of those present at the Special General Meeting shall be required to pass a resolution to wind up the Iwi.
  - (c) A subsequent Special General Meeting shall be convened no earlier than Thirty days after the meeting in Clause 17.01 (a) to confirm the resolution to wind up the Iwi. Confirmation of the resolution to wind up the Iwi shall be by a majority of at least seventy five percent of those members present at the meeting.
- 17.02** Upon winding up or dissolution of the Iwi all surplus assets after payment of all costs and liabilities shall be paid or disposed of for charitable purposes within New Zealand on the recommendation of an independent arbitrator appointed by the Iwi prior to facilitate the winding up or dissolution.
- 17.03** An ad hoc committee shall be appointed by the Special General Meeting to convey to the Court the independent arbitrator's recommendations regarding the disbursement of the residual assets of the Iwi.