

RUNANGA IWİ BILL

EXPLANATORY NOTE

THIS Bill provides for the third stage of the restructuring of Maori Affairs.

The first stage was the establishment of the Ministry of Maori Affairs, and its recognition as a Department of the Public Service under the State Sector Act 1988. That Ministry is responsible for policy issues.

The second stage was the restructuring of the Department of Maori Affairs to form the Iwi Transition Agency, and the abolition of the Board of Maori Affairs. This was achieved by the Maori Affairs Restructuring Act 1989.

The primary objective of the Iwi Transition Agency is to help iwi to develop and strengthen iwi authorities to provide services for their members, and for other Maori within the rohe of the iwi.

This Bill provides for the incorporation of runanga to be those iwi authorities.

Clause 1 relates to the Short Title and commencement.

Clause 2 defines certain terms used in the Bill.

Clause 3 provides that the new legislation will bind the Crown.

Clause 4 is an important provision. It sets out some of the identifying characteristics of an iwi. It should be noted that the list is not exhaustive. In the event of a dispute as to whether a group of people is or is not to be considered an iwi, the Maori Land Court will decide, having regard to these matters.

Clause 5 recognises the importance of the iwi for Maori.

PART I

INCORPORATION OF RUNANGA

Clause 6 provides that every iwi has the right to have an incorporated runanga under this Act. It also makes it clear that any 2 or more iwi may establish 1 runanga to represent all of them.

Clause 7 requires any proposal to seek incorporation of a runanga to be approved by a hui of the iwi.

Clause 8 sets out the matters to be dealt with in the iwi's charter. *Subclause (1) (f)* is of particular importance. A thread that runs right through this Bill is the need to protect the interests of manuhiri.

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For the purposes of this Bill, “manuhiri” means a Maori who is for the time being residing in the district of an iwi of which he or she is not a member.

The Bill envisages 2 ways in which the interests of manuhiri may be recognised and protected. One way is directly through the runanga of the rohe in which they are residing. The other way is through a taura here established by the runanga of the iwi to which they belong.

Appropriate provisions relating to these matters are to be included in the charter. See also clauses 17 (3) (f), 28, and 29.

Clauses 9 to 11 provide for a Registrar of Runanga, a Registry Office, and a Registrar’s seal.

Clauses 12 to 15 provide for the making of applications for incorporation of runanga. The Registrar’s job is to check the application and proposed charter to ensure that they comply with the Bill. If the Registrar considers that they do not comply with the Bill, the Registrar may refer them back to the iwi. The iwi has the right to contest that decision in the Court.

Clauses 16 to 18 should be read together. If the Registrar is satisfied that the application and proposed charter are in order, the Registrar gives public notice of the application. At that stage, objections may be filed by any person described in clause 17 (2) on any ground set out in clause 17 (3). If objection is filed, a date for a hearing is fixed under clause 18.

If an objection is filed, clause 20 empowers a Judge to call a judicial conference with all the parties to attempt to settle the issues. Where a contested hearing is necessary, the Judge will sit with 2 assessors, but the Judge will make the decision; see clause 21.

Clause 22 sets out usual provisions for the rights of parties to appear and be heard, and clause 23 provides for the final determination of the application by the Court.

However, clause 24 allows the Court to express its order to be provisional as to boundaries where it is not sure of the exact boundaries of the rohe. This will allow incorporation of the runanga to proceed while the boundaries are clarified.

Clause 25 provides for the formal incorporation of the runanga following the Court’s decision.

PART II INCORPORATED RUNANGA

Clause 26 provides for the recognition of the incorporated runanga as the authoritative voice of the iwi.

Clause 27 provides for contracts between an incorporated runanga and the Crown or other agencies relating to the provision of services and the disbursement of funds.

Subclause (2) makes it clear that this clause does not prevent the Crown or other agencies contracting with other Maori authorities, such as urban Maori authorities.

Clauses 28 and 29 have been noted in relation to clause 8.

Clauses 30 to 32 give the Court jurisdiction to hear and determine disputes between members of an iwi and its incorporated runanga, or between 2 or more incorporated runanga.

Clause 33 provides that an incorporated runanga may apply for the approval of an amendment to its charter. Unless the amendment is of a minor clerical

nature, it must go through the same process of notification and objection as the original application.

Clauses 34 to 41 are of an administrative, accounting, and regulatory nature only.

Hon. K. T. Wetere

RUNANGA IWI

ANALYSIS

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A BILL INTITLED

An Act—

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 - (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**

**Na te mea ko te Tiriti O Waitangi te tohu o te hononga
motuhake i waenganui i nga iwi me te Karauna: a, na te 5
mea ko te iwi anake te tino whakahaere whaimana o te
Ao Maori e ora tonu ana, a, e u ana ki nga kaupapa o
nehe: a, na te mea e tika ana kia tu he runanga hei
mangai mo ia iwi, a, e whakaaetia ana e te Karauna ko
taua runanga te reo whaimana o te iwi:** 10

WHEREAS the Treaty of Waitangi symbolises the special relationship between iwi and the Crown: And whereas the iwi is the single, enduring, traditional, and most significant form of social organisation of Maori people: And whereas it is desirable that each iwi be represented by a runanga that will be 15 recognised as the authoritative voice of the iwi:

BE IT THEREFORE 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 1989. 20

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

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

“Court” means the Maori Land Court:

“Incorporated runanga” means a runanga incorporated 25 under this Act:

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

“Maori” means a person of the Maori race of New 30 Zealand; and includes a descendant of any such person:

“Rohe”, in relation to an iwi, means the district or districts in which the members of the iwi are tangata whenua:

“Runanga” means a council of an iwi, or of 2 or more iwi: 35

“Taura here” means a group established by the incorporated runanga of any iwi to represent the interests of those members of the iwi who are residing in the rohe of another iwi:

“Tikanga Maori” means Maori customary values and 40 practices.

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

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

- 5 (a) Descent from commonly acknowledged tupuna;
- (b) Collective possession of a demonstrable cultural and historical identity, based on a shared body of traditional lore;
- 10 (c) A developed political organisation with widely shared aspirations;
- (d) A structure of hapu;
- (e) A network of functioning marae;
- (f) Belonging historically to a clearly delineated rohe;
- 15 (g) Continuous existence traditionally and widely acknowledged by other iwi.

5. Recognition of importance of iwi—The iwi is hereby acknowledged as the single, enduring, traditional, and most significant form of social organisation for Maori.

PART I

20 INCORPORATION OF RUNANGA

6. 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, 25 any 2 or more iwi may agree to the incorporation of a runanga to represent all of them.

(3) In any case to which subsection (2) of this section applies, 30 the respective rights of the 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 to which subsection (2) of this section applies, 35 the 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.

7. 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 40 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 rohe of the iwi within which it is proposed that the runanga will exercise its authority.

(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.

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

- (a) The name of the iwi;
 - (b) A description of the rohe;
 - (c) The principles by which the runanga will be guided in the conduct of its affairs, including the manner in which the runanga is to be accountable to the iwi;
 - (d) The process by which conflicts between members of the iwi and the runanga are to be resolved;
 - (e) The method by which equity between members of the iwi is to be ensured, particularly in matters of age and gender;
 - (f) The manner in which the interests of manuhiri 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 manuhiri;
 - (g) The relationship between the runanga and any taura here established by it;
 - (h) The basis on which members of the runanga are to be elected or appointed;
 - (i) The custody and use of the seal of the runanga;
 - (j) 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.

9. Registrar of Runanga and Deputy Registrars—(1) For the purposes of this Act, the person who is for the time being

holding the office of Chief Registrar of the Maori Land Court shall also hold the office of Registrar of Runanga.

- 5 (2) The Registrar may from time to time designate one or more persons, each being a Registrar of the Maori Land Court, to be Deputy Registrars of Runanga, who shall have and may exercise the functions and powers of the Registrar.

10. Registry Office—(1) For the purposes of this Act, the Registrar shall have a Registry Office at such place as the Secretary for Justice may from time to time determine.

- 10 (2) All applications and other documents that, by virtue of any of the provisions of this Act, may or shall be filed with or sent to the Registrar shall be filed in or sent to the Registry Office.

- 15 (3) Notwithstanding anything in subsection (2) of this section, any such application or other document may be filed in the office of any Deputy Registrar, who shall forward it to the Registry Office.

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

- 20 **12. Application for incorporation**—(1) When an iwi has completed the charter and the description of the rohe, it may apply to the Registrar for incorporation of the runanga.

- (2) Every application shall—
25 (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 7(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 30 constitute an iwi in terms of section 4 of this Act; and
(c) Be accompanied by—

- (i) Two copies of the proposed charter; and
(ii) A map or other diagram, and a clearly defined description, of the proposed rohe; and
35 (iii) The prescribed fee; and
(iv) 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 7(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
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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 5 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.

13. Withdrawal of application—An iwi may, at any time 10 before its application is determined by the Court under **section 23** of this Act, withdraw the application.

14. Registrar to check application—On receipt of an application under **section 12** of this Act, the Registrar shall check the application to ensure that it complies with the requirements 15 of this Act and of any regulations made under this Act.

15. 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 20 regulations made under it, the Registrar may, instead of dealing with the application under **section 16** 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 25 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.

16. Public notice of application—(1) On being satisfied that the application does comply with those requirements, the 30 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 rohe of the iwi 35 concerned, and in such other rohe 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 rohe, with an interval of not less than 5 nor more than 10 days between each publication; and 40

- (b) By such other means (if any) 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—
- 5 (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 17** of this Act.
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- 17. Objections**—(1) Within 28 working days after the first publication of the notice under **section 16** of this Act, or within such longer period as may have been specified in the notice or 15 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:
- 20 (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 other person, with leave of the Court.
- 25 (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 4** of this Act;
- 30 (b) That the name under which it is proposed to incorporate the runanga is not in accordance with tikanga Maori;
- (c) That the rohe as described in the application includes any area that properly belongs within the rohe of another iwi;
- (d) That the application does not carry sufficient support of the members of the iwi on whose behalf it is made;
- 35 (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 manuhiri, either directly through the runanga itself or by recognising the right of other appropriate incorporated runanga to establish taura here for the manuhiri;
- 40 (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 subsection (3) (e) of this section other than by a person described in subsection (2) (a) of this section.

18. 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.

19. Hearing unopposed application—Where no objection to an application is filed within the time prescribed or allowed, the Registrar shall refer the application to the Court, and the application shall be heard and determined by a Judge of the Court sitting alone.

20. 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, expeditious, and harmonious 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; and
- (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;
- 5 (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;
- 10 (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
- 15 specified in subsection (2) of this section without holding a conference under subsection (1) of this section.

- 21. Judge to sit with 2 assessors in respect of opposed application**—(1) Notwithstanding anything in the Maori Affairs Act 1953, for the purposes of hearing any application to which an objection is filed, a Judge of the Court shall sit with 2 assessors appointed by the Chief Judge.
- (2) In considering the suitability of any person for appointment as an assessor, the Chief Judge shall have regard not only to that person's personal attributes but also to that person's knowledge of and experience in matters of a kind that are likely to arise under this Act.
- (3) The decision of the Judge shall be the decision of the Court, but before making a decision the Judge shall consult with the assessors.

- 30 **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;
- 35 (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.
- 40 (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 no objection to an application is filed within the time prescribed or allowed, the Court shall consider and determine the application as soon as practicable after the expiry of that period.

(2) 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.

(3) 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 4 of this Act;
- (b) That the name under which it is proposed to incorporate the runanga is in accordance with tikanga Maori;
- (c) That the rohe described in the application is the customary rohe of the iwi and does not include any area that properly belongs within the rohe 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.

(4) 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. Court may make provisional order in respect of boundaries—(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 proper boundaries of the rohe, it may grant the application but express the order to be provisional only in respect of the description of the rohe.

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

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.
- 5 (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)
- 10 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,
- 15 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
- 20 with its charter.

PART II
INCORPORATED RUNANGA

- 26. Status of runanga**—(1) An incorporated runanga shall be recognised by the Crown and all local and public authorities
- 25 as the authoritative voice of the iwi.
- (2) Where any enactment requires consultation with any iwi, or with any Maori in a particular locality, or with any iwi authority, that consultation shall be held with the appropriate incorporated runanga.
- 30 **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
- 35 manuhiri 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
- 40 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 such as an urban Maori authority.

28. Special consideration to be given to rights of manuhiri—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 manuhiri in accordance with its charter, unless a taura here has been established in its rohe for the manuhiri. 5

29. Taura here may be established—(1) Where the incorporated runanga of an iwi is satisfied— 10

- (a) That a substantial number of members of the iwi are resident in the rohe of another incorporated runanga; and
- (b) The charter of that other incorporated runanga recognises the right to establish taura here for manuhiri in its rohe,— 15

it may, after consultation with that other runanga, establish a taura here for the manuhiri 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. 20

(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 25 in its charter.

30. Disputes within iwi—(1) Where a dispute arises between any member or members of the iwi or any manuhiri 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. 30

(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. 35

(3) If the parties to any such dispute are unable to settle it in accordance with the procedure specified in the charter, any 40

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.

- 5 (4) **Sections 20 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.

- 10 **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 amicably.

(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.

- 15 **32. Further jurisdiction of Court**—Without limiting any other provision of this Act or of any other Act, the Court shall have jurisdiction—

- 20 (a) To determine any question relating to the interpretation or application of a charter; and
 (b) To give such directions as it thinks fit concerning—
 (i) Any property that is under the control of an incorporated runanga; or
 (ii) The management or administration of any such property; or
25 (iii) The exercise of any power by an incorporated runanga.

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.

- 30 (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 12 to 24** of this Act, so far as they are applicable and with any necessary modifications, shall apply accordingly.

- 35 (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.

- 40 (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. Protection of runanga's name—No runanga or other body shall be incorporated or registered under this Act or any other Act in the same name as another runanga that is already incorporated under this Act, or in a name that so closely resembles the name of an incorporated runanga as to be likely 5 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 10 incorporated runanga shall, as from the date of its incorporation, have a registered office within its rohe 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 15 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 20 purposes of section 7 of this Act, or at a hui of the iwi held not later than 3 months after the date of incorporation.

38. 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 25 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. 30

(3) Any other member of the iwi may inspect the books of the runanga and take copies of or extracts from them on payment of the prescribed fee.

39. Yearly statements of account and report—(1) At the close of each financial year, every incorporated runanga shall 35 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.

40. Incorporated runanga not Crown agencies—No incorporated runanga shall be deemed to be a Crown Agency 5 within the meaning of the Public Finance Act 1989.

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

- 10 (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;
- 15 (d) Providing for such other matters as are contemplated by this Act or as may be necessary for its due administration.