

CHENPALMER

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26 June 2012

Waikato-Tainui Te Kauhanganui Incorporated
451 Old Taupiri Rd
Hopuhopu 3792

Attention:

Bill Takerei, Deputy Chair, Te Kauhanganui

ELECTION OF TE KAUHANGAHUI REPRESENTATIVES OF HIIONA MARAE

Instructions

- 1 We have been instructed to provide an opinion on the validity of the elections of Te Kauhanganui Incorporated (TKI)¹ representatives of the Hiiona Marae for the 2012-2015 triennial term, and the validity of the actions of the TKI executive Te Arataura in these processes. In particular, our advice and opinion has been sought in relation to an opinion of Minter Ellison Rudd Watts on these matters dated 12 June 2012 (the **ME Opinion**).
- 2 We have received our primary instructions from Deputy Chairperson, Bill Takerei. Mr Takerei is leading the resolution of this issue for TKI, under authority of a direction given by the TKI Chairperson, Tania Martin, at a meeting of TKI on 31 March 2012 (and followed up in writing by Mrs Martin). We have met with and received documentation from Mr Takerei and Mrs Martin.
- 3 Following the provision of our 'second opinion', the Chair and Deputy Chair of Te Kauhanganui intend to meet with Te Arataura.
- 4 This advice comments on the constitutional implications in order to highlight the gravity of the current situation and the need to employ all necessary endeavours to resolve matters for the benefit of all members of TKI, the Kiingitanga, and Waikato-Tainui more generally.

¹ For the purposes of this opinion, TKI is used to refer to the incorporated society "Waikato-Tainui Te Kauhanganui Incorporated", a society incorporated under the Incorporated Societies Act 1908 on 18 March 1999, with the incorporation no. 951867. TKI comprises the elected "Members" of its Parliament, which is the "governing body" of TKI, in terms of its Rules (refer Rule 4). The use of "TKI" by itself in this opinion does *not* include a reference to the executive committee Te Arataura.

Executive Summary

- 5 The actions of the CEO of Waikato Raupatu Lands Trust (**WRLT**) in refusing to publish an election certificate from Hiiona marae containing the minimum requirements were *ultra vires*, or beyond the powers conferred by the Rules.
- 6 Hiiona Marae members did not complain in time about the first election, the first election certificate or the publication of names in the *Waikato Times* (of 10 December 2011). Therefore the enabling mechanism for Te Arataura to investigate allegedly invalid elections was not triggered.
- 7 In publishing the second election certificate names only last week, Te Arataura has effectively breached the Rules and precipitated a constitutional crisis in view of the fact that:
- (a) The incumbent members of Hiiona became effective members of TKI at the 12 February 2012 Triennial Special Meeting (**TSM**). The only way to remove them is under Rule 5.3.1. None of those conditions seemingly apply;
 - (b) Mrs Martin was elected as Chair of TKI by a clear majority at the TSM (despite issues of Hiiona election validity figuring prominently at the meeting);
 - (c) Te Arataura published the recent election certificate from Hiiona in the *Waikato Times* on 16 June 2012 without appropriate consultation with the elected officers of the TKI Parliament on a significant governance and constitutional matter, and without consideration for the risk this decision might pose to TKI; and
 - (d) This conduct itself has the potential – if it has not already done so – to bring TKI into disrepute – thus triggering the disqualification and removal provisions of Rule 5.3.

Background

- 8 The ME opinion sets out a timeline of the key events, from 1 March 2011 to 31 May 2012 (pp 1-2, under 'Facts'). This timeline is helpful but adds commentary and detail with which we disagree or which do not believe is relevant to the key legal issues (these are outlined below).
- 9 We therefore provide a brief summary here of the events that, in our view, are legally significant in terms of the Rules of TKI.
- 10 On 5 March 2011, notice of an AGM of Hiiona Marae to take place on 27 March 2011 was advertised in the *Waikato Times*. The WRLT also distributed this notice by post to all beneficiaries of Hiiona Marae registered on the tribal beneficiary roll.
- 11 On 27 March 2011, the Hiiona Marae held an AGM in which they elected Marae trustees and three representatives to Te Kauhanganui/ TKI.

- 12 The Hiiona Marae notified to Te Kauhanganui, by an election certificate dated 30 October 2011, the names of its three elected representatives, being Roimata Whanga-Katipa, Tania Martin and Donna-Lee Katipa.
- 13 On 10 December 2011, these names were published in the *Waikato Times*, under cover of the Waikato-Tainui recognised logo. These names were published together with the names of representatives elected from Te Puea Marae. (We note, for the record, that the names of Albert Rivers and Tania Martin were inverted in the advertisement by mistake. We do not believe that this administrative error would invalidate the legal effect of the notice in terms of Rule 5.1.5.)
- 14 On 22 December 2011, Parekawhia McLean, Chief Executive of the WRLT (which provides administrative support to TKI), issued a letter advising that "Te Kauhanganui" could not publish the names on the 30 October 2011 on the basis of defects in the notice of election and in the Election Certificate. The letter also advised that the 10 December 2011 Waikato Times notice was not published "with the authority of Te Kauhanganui and so is considered to be of no legal effect under the Rules". We comment on this letter and Ms McLean's actions below.
- 15 At the 12 February 2012 TSM Roimata Whanga-Katipa, Tania Martin and Donna-Lee Katipa attended as the elected representatives of Hiiona Marae and exercised voting rights.
- 16 On or about 15 June 2012, the CEO and/or an officer of the WRLT or Te Arataura, authorised the publication of names of newly elected TKI representatives of Hiiona Marae.
- 17 On 16 June 2012, the names of those 'newly elected' representatives were published in the *Waikato Times*.

Legal Issues

- 18 The validity or legality of these events, actions and/or omissions must primarily be assessed with reference to the most recent Rules of Waikato-Tainui Te Kauhanganui Incorporated, registered with the New Zealand Companies Office on 25 November 2011 (**the Rules**). The statutory framework under which TKI is incorporated – the Incorporated Societies Act 1908 and all relevant trusts' and societies' legal principles – should also be considered.
- 19 We should say at the outset that our analysis differs from the ME opinion on key interpretations of the Rules and the facts. This may in part reflect the differing instructions and documentation they received. For our opinion, we were provided with all the key documentation set out in the Appendices to this opinion.
- 20 In our opinion, these events raise two main legal issues under Rule 5.1.5:
 - 20.1 Who or what is "Te Kauhanganui" for the purposes of the various functions related to elections under Rule 5.1, in particular the publishing of names of elected marae representatives?; and

- 20.2 How much discretion did Te Kauhanganui have, if any, in deciding whether or not to publish the names appearing in the Election Certificate submitted by the marae?
- 21 In our opinion, these are the real legal issues arising in this case. The issues relating to the validity of the marae's own election process are secondary. Nonetheless, the marae's own election process must also be conducted in terms of the Rules, in particular Rules 5.1.1-5.1.4. These issues are considered towards the end of the opinion.

Key Documents

- 22 In reviewing the material provided, we believe the key documentation to be the following (excepting the TSM minutes, these documents are **attached** as Appendices to this opinion):
- 22.1 Hiiona Marae Notice of AGM, 1 March 2011 – **Appendix "A"**
- 22.2 Hiiona Marae Election Certificate provided to TKI, 30 October 2011, certifying that Roimata Whanga-Katipa, Tania Martin and Donna-Lee Katipa were elected as Marae representatives by Hui-aa-Marae – **Appendix "B"**.
- 22.3 Publication of Hiiona Marae representatives, Waikato Times, 10 December 2011 – **Appendix "C"**.
- 22.4 Letter from Parekawhia McLean, CE of TKI/ Te Arataura, to 'the Chair, Hiiona Marae Trustees', 22 December 2011 – **Appendix "D"**.
- 22.5 Minutes of the Triennial Special Meeting of TKI, 12 February 2012.
- 22.6 ME Opinion addressed to Parekawhia McLean, 12 June 2012 – **Appendix "E"**.
- 22.7 Hiiona Marae Election Certificate provided to TKI, 31 May 2012, certifying that Robin Tukaha Whanga, Frances Borell and Vincent Hohepa were elected as Marae representatives by Hui-aa-Marae – **Appendix "F"**.

The Actions/Omissions of TKI and Te Arataura

Re: the first election

- 23 **Issue one:** Who or what is "Te Kauhanganui Incorporated" or "Te Kauhanganui" for the purposes of the various functions related to elections under Rule 5.1, in particular the publishing of names of elected marae representatives?
- 23.1 There is a lack of clarity in the Rules as to definitions of the various entities for different purposes. This means that the Rules are difficult to interpret and apply in particular cases. The dispute that has arisen in relation to the Hiiona marae elections is a prominent case in point.

23.2 Rule 5.1.5 provides:

On or as soon as practicable after the date on which an Election Certificate is given to Te Kauhanganui, Te Kauhanganui shall publish the names of the representatives elected by that Marae in the Waikato Times.

23.3 Rule 4 defines "Te Kauhanganui" as:

"Waikato Tainui Te Kauhanganui Incorporated" or "Te Kauhanganui" means the principal governing body of Waikato Tainui, incorporated under the 1908 Incorporated Societies Act.

23.4 Hence, in order to interpret the Rules consistently, all references to "Te Kauhanganui" in the Rules must necessarily be a reference to the "governing body" of Waikato Tainui. The "governing body" is the Incorporated Society itself.

23.5 As a matter of incorporated societies' law, the "governing body" is the members of the society who have incorporated themselves under the Incorporated Societies Act 1908.²

23.6 Rule 4 then provides that the "members" are "the Elected Members and the representative appointed from time to time by the Head of the Kaahui Ariki...". Thus, the members elected by Marae to the TKI Parliament are, together, "the principal governing body" of TKI.

23.7 If the Rules are read plainly in this way, the reference to "Te Kauhanganui" in Rule 5.1.5 means the "principal governing body" of TKI – the TKI Parliament. It could also mean, by implication, the Officers of the Parliament – that is, the elected Chairperson, Deputy Chairperson and Secretary. These officers represent the TKI Parliament on all matters relating to the Parliament's functions.³

23.8 Rule 5.1.5 states that it is "Te Kauhanganui" that publishes the results of Marae elections. The Rule 4 definitions make an express distinction between TKI and "Waikato-Tainui Te Arataura" meaning "the executive committee of Te Kauhanganui... (Te Arataura)."⁴

23.9 The publishing of election results would appear to be a simple administrative function. This might suggest, having regard to the parliamentary/governance and management/executive functions of TKI and Te Arataura within the incorporated society, that the publishing of election results would come within the ambit of the executive committee – Te Arataura. **Yet Rule 5.1.5 clearly states that it is "Te Kahanganui" that publishes election results not Te Arataura.**

23.10 In addition to Rule 5.1.5, the election of Marae representatives to TKI directly concerns the TKI Parliament and its elected officers. That is, the Parliament itself and its Chair, Deputy-Chair and Secretary – the Parliament's effective functionaries or secretariat –

² Incorporated Societies Act 1908, s 4.

³ It should be noted that the Parliament or House is not expressly defined in the Rules. Also, the functions of the parliamentary offices are sparsely defined. The main rule (Rule 5.5) on the parliamentary officers makes reference only to their function of chairing meetings of TKI (Rule 5.5.6).

⁴ We note the Rule 4 definition of TKI was inserted in the November 2011 Rule amendments.

would, in terms of the Rules and the nature of incorporated societies, exercise a valid oversight function of the publishing of election results.

- 24 **Issue 2: How much discretion did TKI have, if any, in deciding whether or not to publish the names appearing in the Election Certificate submitted by the marae?**
- 24.1 Regardless of the exact identity of the officers who validly perform the publishing role under Rule 5.1.5 (whether parliamentary or executive officers), a plain reading of the Rule suggests that this is a simple administrative function. There is no discretion over whether or not to publish an election certificate once a Marae files a certificate which sets out the names of the representatives and certifies that the election process adopted by the Marae to elect those representatives was in accordance with the Rule 5.1 process.
- 24.2 If an election certificate includes the minimal content requirements, a TKI officer has no jurisdiction to query the factual accuracy of the certificate or go behind the certification to query the validity of the election process. The simple presence of a certificate with the minimal requisite statements is sufficient to trigger the publishing of the names in the Waikato Times.
- 24.3 At this juncture, we record our view that the 30 October 2011 election certificate provided by Hiiona Marae did meet the minimum content requirements of Rule 5.1.5. (This is addressed further below.)
- 24.4 By the letter of 22 December 2011, Parekawhia McLean, the Chief Executive of TKI, Te Arataura and WRLT (of which TKI is the sole legal trustee) stated her reasons for refusing to publish the Hiiona Marae representatives' names, notified in the 30 October 2011 election certificate.
- 24.5 **The reasons stated reveal that Ms McLean considered irrelevant matters and conducted some form of 'review' of both the certificate and the election process itself. This is executive conduct that is simply not sanctioned by the Rules. For example, Ms McLean's letter notes that she had "reviewed" the 1 March 2011 notice of election published in the Waikato Times; she then finds that "the election has not been properly notified in accordance with Rules 5.1.3 and 5.1.4". However, the relevant Rule 5.1.5 does not grant jurisdiction to consider such background matters.**
- 24.6 Ms McLean gives further reasons that are also contrary to the clear provisions of Rule 5.1.5. She states that the certificate "has not been certified by the persons who held those positions within Hiiona Marae as at the date of the certificate and at best is accordingly defective". However, as already noted, Rule 5.1.5 does not give TKI or its officers the power to 'look behind' the certification and question its accuracy.
- 24.7 Further, Ms McLean's letter notes that the 10 December 2011 advertisement of Hiiona representatives "was not published with the authority of Te Kauhanganui and so is considered to be of no legal effect under the Rules". In this instance, Ms McLean purports to adjudicate on the validity of actions of other elected officers of TKI. This is a consideration irrelevant to the question of whether Ms McLean, TKI or the Te Arataura executive secretariat should have published the 30 October 2011 election certificate

themselves. Rule 5.1.5 is clear that this is an express obligation – “Te Kauhanganui *shall* publish the names...” [emphasis added].

- 25 There is an additional issue of relevance to this question of jurisdiction, namely:
- 25.1 In terms of Rule 5.1.8, was a written notice signed by not less than 10 members of Hiiona marae received at the registered office of TKI, complaining that the election process adopted by Hiiona marae was contrary to Rule 5.1 (the main terms of which are of course now set out above)? If that was the case, then Te Arataura would then have had the right to investigate such a complaint and “determine the matter” at its discretion.
- 25.2 The elected representatives’ names of Hiiona Marae, advised by the 30 October 2011 election certificate, were published in the *Waikato Times* on 10 December 2011. We understand that if there was a formal written complaint submitted to the registered office of TKI in accordance with Rule 5.1.8 just outlined, it was certainly not submitted within the required timeframe of 14 days following the published notice. This simple procedural step of a written complaint did not occur at the relevant time. This is the only Rule that gives Te Arataura the jurisdiction to intervene in or investigate an allegedly unfair or invalid Marae election.
- 25.3 Since no formal complaint was submitted in time, no such complaint can be raised now. Whether or not the validity of the 10 December 2011 notice may have been contested by some Hiiona marae beneficiaries and/or by Te Arataura officers at this time is irrelevant to the issue of jurisdiction to investigate. The *Waikato Times* notice was published under the official Waikato Tainui logo and it referred expressly to TKI elections for 2012-2015. If the validity of the notice and the Hiiona marae election it referred to was contested, then the Rule 5.1.8 mechanism existed for a formal Te Arataura investigation. Yet no complaint was submitted to TKI for investigation.
- 26 Therefore, Ms McLean had no jurisdiction to inquire into the accuracy of the 30 October 2011 Hiiona marae election certificate. Nor did she have any jurisdiction to investigate the validity of the 27 March 2011 election process. The only event that could have ‘triggered’ such an investigation was a formal complaint by Marae beneficiaries under Rule 5.1.8. Since this ‘triggering event’ did not exist in this case, it would appear that the actions and omissions referred to in the 22 December 2011 letter of Ms McLean were *ultra vires*, or beyond the powers conferred on her by the Rules.
- 27 **In summary, the CEO’s actions in both investigating invalidity and omitting to publish the Hiiona representatives’ names were contrary to the Rules and therefore invalid or illegal.**

Re: the second election

- 28 On 26 May 2012, Hiiona Marae held their AGM. The ME opinion records that on 31 May TKI received a scanned copy of the Marae’s Election Certificate. This advised that Robin Tukaha Whanga, Frances Borell and Vincent Hohepa were elected by Hui-aa-Marae as the Marae’s TKI representatives.

- 29 We understand that officers of Te Arataura instructed the CEO to obtain the ME opinion of 12 June. This opinion advised Te Arataura that it “should now publish the names of the newly elected representatives in accordance with Rule 5.1.5”. The ME opinion then concluded with the advice that Hiiona Marae members would then have 14 days to contest the election process under Rule 5.1.8.
- 30 This advice tends to support the interpretation of the Rules offered above, in particular, that TKI has no or very limited discretion to reject an election certificate and that the only power of investigating election validity is triggered by a Marae complaint under Rule 5.1.8.
- 31 Following this ME opinion to Te Arataura, we understand that Te Arataura published the names of these three ‘new representatives’ in the Waikato Times, on Saturday 16 June 2012. This means, of course, that any group of 10 or more members of Hiiona marae may challenge this election through a formal written complaint (under Rule 5.1.8). By our calculation, the last day to submit this written notice to the registered office of TKI would be Saturday 30 June 2012.
- 32 We understand that the committee and/or the Chief Executive of Te Arataura instructed the ME opinion and published the Saturday 16 June notice without any reference to the Chair, Deputy and Secretary of the TKI Parliament.**
- 33 This represents something approaching a constitutional crisis: the management arm of TKI has, of its own volition and without consultation, decided to ignore the fact that Hiiona Marae has three incumbent members already in place for the 2012-2015 triennial term.
- 34 Given that the 10 December 2011 election certificate **was** not challenged formerly under Rule 5.1.8 (that opportunity having lapsed on 24 December 2011), the Marae’s three representatives became effective Elected Members of TKI at the 12 February 2012 Triennial Special Meeting (under Rule 5.1.6).
- 35 In addition, one of those members, Mrs Martin, was elected by a majority of 28 Marae votes to 18 (the next closest candidate) as the Parliament’s chairperson at the 12 February 2012 Triennial Special Meeting. This was in the context where some members of the Parliament raised questions concerning the 27 March 2011 Hiiona elections. Nevertheless, Mrs Martin was elected with a significant majority of votes.
- 36 Furthermore, now that Roimata Whanga-Katipa, Tania Martin and Donna-Lee Katipa are sitting members of TKI the only way to remove them under the Rules is under Rules 5.3.1 (which includes having criminal dishonesty convictions and acting in a manner bringing TKI into disrepute). Those options do not appear available to TKI or Te Arataura for any of these three sitting members.
- 37 Having *six* Marae representatives is of course a constitutional impossibility under the TKI Rules – Rule 5.1.1 provides that each Marae can only have three representatives.
- 38 Te Arataura has chosen to ignore these several facts, and has accepted and published the names contained in a second Election Certificate. This action effectively breaches the Rules by giving some colour of right or validity to the**

the second Election Certificate even though three Hiiona representatives were already in place.

The Hiiona Marae elections

38.1 We have now considered the primary legal and factual issues arising in this case. As indicated at the outset, the issues relating to the validity of the marae's own election process are secondary. Nonetheless, the marae's own election process must also be conducted in terms of the Rules, in particular Rules 5.1.1-5.1.4. This next section will apply the Rule requirements to each of the two purported Hiiona elections.

Re: the first election

38.2 Did the marae's three representatives comprise one kaumatua representative, one marae representative, and one rangatahi representative (Rule 5.1.1)?

38.3 We are instructed that the answer is affirmative.

38.4 Was every representative, in terms of Rule 5.1.2:

- (a) an elected beneficiary under the trust deed of the Waikato Raupatu Lands Trust (WRLT)?
- (b) a beneficiary of the electing Marae as record on the main roll or supplementary roll of the WRLT deed?
- (c) not disqualified from membership of TKI because of matters raised in Rule 5.3.1, which include being an undischarged bankrupt, having convictions for crimes of dishonesty or fraud, or acting in a manner bringing TKI into disrepute? and
- (d) Elected in a valid election process, as set out in Rule 5.1?

We are instructed that the answer is affirmative.

38.5 Was the election of the Hiiona marae representatives, in terms of Rule 5.1.3:

- (a) At a Hui-aa-Marae (a meeting of the Marae) 'duly convened for the purpose'; or
- (b) By means of a postal ballot duly organised for the purposes and sent to marae beneficiaries?; and
- (c) Did the Hiiona marae give "all the beneficiaries of the Marae a fair and reasonable opportunity" to participate in the election of the three Marae representatives?

We are instructed that the answer to the relevant questions is affirmative (postal ballot does not apply). The 27 March 2011 hui was attended by approximately 250 beneficiaries. There was a clear election of the incumbent Marae representatives to the next three year term of TKI's Parliament (2012-2015). Notice was given by post to all Marae beneficiaries. The agenda clearly specified election of "new trustees and marae

representatives”, which in the context of a Kiingitanga marae was a clear indication of election of representatives to the TKI Parliament. We therefore disagree with the ME opinion that the notice of this election was deficient.

38.6 In terms of Rule 5.1.4:

- (d) Was “written notice” of a Hui-aa-Marae or a postal ballot sent to the address of every beneficiary of Hiiona marae recorded on the iwi Roll; and
- (e) Was this notice sent “not less than” 14 clear days before the meeting or closing date of the postal ballot?
- (f) Did the notice state the place, day and hour of the Hui-aa-Marae (or include ballot papers with sufficient explanation for completion and return of such)?
- (g) Was a copy of the notice of meeting published in the Waikato Times “not less” than seven clear days before the meeting?

The answer to these questions is affirmative, as above.

38.7 In addition, in terms of Rule 5.1.5:

- (a) Did the Hiiona Marae submit a certificate setting out the names of the elected representatives “upon” or following the election?
- (b) Did that certificate also certify that the process adopted by Hiiona Marae in electing those representatives was in accordance with these Rule 5.1 requirements?

The answer to (a) is affirmative. The ‘Marae’ did submit such a certificate. It was signed by two Marae members. Although the Schedule 3 form of certificate provides for the “Chairperson” and “Secretary” to sign the certificate, the Rule itself does not require that particular Marae members or trustees sign the form. As long as the signatories/certifiers are signing on behalf of the Marae, that should satisfy the terms of Rule 5.1.5 itself. (This Rule only ‘refers’ to Schedule 3; it does not prescribe the exact form or content of the certificate.)

The ME opinion makes something of the certificate coming some 7 months following the 27 March 2011 election – in part on the basis of the word “upon”. We do not think this is a necessary reading of this word in context. In practice, some marae will and do have their TKI elections many months before the new Parliament is actually called. The time lag between election and certificate is not therefore critical for the validity of either.

Re: the second election

- 39 At this point we do not consider it necessary to inquire into the validity of the second election process itself given that Te Arataura has purported to accept and publish the new names on behalf of TKI. We have found that this is an effective breach of the

Rules. Hence, a constitutional crisis is the result (see analysis in paragraphs 28-38 above).

Advice on the way forward

- 40 In brief, our opinion is that the actions of the CEO in failing or refusing to publish the first Election Certificate were in breach of the Rules and hence illegal; and that the actions of Te Arataura in publishing the Second Election Certificate were also in breach of the Rules.**
- 41 Our advice is that the TKI Parliament make formal resolutions to confirm the incumbent Hiiona members and consider whether to make resolutions to:
- (a) discipline Te Arataura and/or the CEO for their actions detailed above;
 - (b) establish further rules or processes for holding Te Arataura and/or the CEO to account in relation to election processes and communications to Members and outside parties regarding Te Kauhanganui election processes.
- 41.1 As the "governing body" of TKI, the Parliament of Elected Members can lawfully resolve to deal with matters or disputes pertaining to its own membership and procedures. (We note that the Parliament can also direct Te Arataura by formal resolution in accordance with Rules 15.5.12 and 16.1.)
- 42 We are also aware that the Chair of Te Arataura, Tom Roa, has now, by an open letter to all Te Kauhanganui members dated 20 June 2012, advertised a Hui-a-iwi to address the matter of the Hiiona Marae election(s) and governance issues within TKI. We are instructed that this notice/letter was unauthorised by the Chair and Deputy-Chair of TKI, who were also not consulted about its contents or issuance. This action would appear to escalate matters relating to these issues.
- 43 We note that this letter was issued while TKI and Te Arataura were still awaiting a 'second opinion' from us (this opinion) on the ME opinion.
- 44 We further advise the following:**
- That given the state of the relationship between Te Kauhanganui and Te Arataura, that the Chair and Deputy Chair of both bodies urgently meet, on a "without prejudice" basis to attempt a resolution of operational and management issues of the sort arising in this case.
- 45 We are happy to assist the parties further to achieve a resolution of this complex situation.

Yours sincerely



**Mai Chen/
Founding Partner**



**Samuel Carpenter/
Intermediate Associate**

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cc. Hemi Rau, Deputy Chair, Te Arataura
Parekawhia McLean, Chief Executive, Waikato Raupatu Lands Trust
The Officers and Members of Te Kauhanganui and Te Arataura

Appendix "A"

HIIONA MARAE TRUSTEES COMMITTEE NOTICE OF ANNUAL GENERAL MEETING

DATE: Sunday 27 March 2011

TIME: 10.30am

PLACE: Hiiona Marae

AGENDA:

Election will be presided by the Maori Land Court

1. Election of New Trustees & Marae Representatives
2. Annual Audit Report
3. Kitchen Project
4. 3-Year Strategic Plan

(NOTE: Election only will be presided by the Maori Land Court.)

Meeting package will be distributed to all beneficiaries 10 days prior to the meeting. Please ensure the Secretary has your correct postal address.

For any enquiries, please contact:

Chairman, Mr E.Whanga – (07) 848 1994

Secretary, Ms N.Katipa – (027) 212 0343

...Nau mai, Haere mai...

PLEASE NOTE: Special General Meeting called by Trustee, Mr R.Whanga (snr) for Sunday the 20th of March 2011 is not recognised by the Trustees Committee, and therefore an unconstitutional meeting pursuant to the Charter of Hiiona Marae.

FILE COPY

MARAE ELECTION CERTIFICATE
2012-2015

SECTION 1 - MARAE REPRESENTATIVES

Marae: HILONA MARAE @ AGM. 27-03-2011

Marae Beneficiaries named below were elected by Hui-aa-Marae Postal Ballot
duly convened for the purpose and held in accordance with the Rules governing Waikato-Tainui Te
Kauhanganui (Inc).

KAUMAATUA REPRESENTATIVE

Katipa Surname Laimata Whanga First Name(s) AK

MARAE REPRESENTATIVE

Martin Surname Tania Eris First Name(s) AK

RANGATAHI REPRESENTATIVE

Katipa Surname Donna-Lee First Name(s) Katipa

SECTION 2 - TE ARATAURA NOMINATION

The Te Arataura Executive shall consist of eleven (11) Members:

- (a) Ten (10) members shall be elected by a majority of the total Marae votes. A Marae may not be represented by more than ONE member of Te Arataura at any time AND
- (b) One (1) member shall be the person appointed for the purpose from time to time by the Head of the Kaahui Ariki pursuant to Rule 5.4.5.

Each Marae can choose to nominate ONE of their representatives for the purposes of the election of Executive members to be held in accordance with Rule 15.1 of the Rules.

Nomination: At his OR her acceptance, WE nominate the following representative:

TANIA ERIS MARTIN
Print Full Name

SECTION 3 - CERTIFIED BY

Chairperson: E. T. W. Katipa Signature EODIE TUKOTAHU NHANGA KATIPA Print Full Name

Secretary: Katipa Signature DONNA-LEE KATIPA Print Full Name

Dated the 30 day of OCTOBER 2011

FILE COPY

Appendix "C"

WAIKATO TIMES
 Notice published on 10 December 2011
 Authorized by the Officers of Te Kauhanganui

VANCE
 UCTURING
 IG TO LEND?
 .LL.B (Hons) on
 281 or view:
 nagement.co.nz
 round 7.25% p.a.
 only.
 nding commercial,
 property.

Finance
Finance
 approval then go shopping
 in buyer, apply today.
 see? If you have a
 it us help you today.
 raven, boat
 oved today.
 .NZ - 07 846 6008
 St & Kilbamey Rd

www.hamilton.co.nz
 Barry Harris, Chief Executive, Private Bag 3010, Hamilton, 3240



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 Te Kauhanganui

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WAIKATO TAINUI
TE KAUHANGANUI INCORPORATED ELECTIONS 2012 – 2015
The following members have been elected by beneficiaries of the respective Marae as representatives for the 2012-2015 term of office.

MARAE	KAUMAATUA REPRESENTATIVE	MARAE REPRESENTATIVE	RANGATAHI REPRESENTATIVE
Hilona Te Puea	Roimata WHANGA-KATIPA Te Kore KAUMOANA	Albert RIVERS Tania MARTIN	Donna-Lee WALKER Violet RAKETE

The Council is established under the Te Kauhanganui Incorporated (Te Kauhanganui) Act 1992. The Council is a body corporate established under the Companies Act 1993. The Council is a body corporate established under the Companies Act 1993. The Council is a body corporate established under the Companies Act 1993. Any complaint that the election process did not comply with Rule 6.1. Any complaint must be signed by not less than 10 members of the Marae and set out the complaint in a separate document.

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22 December 2011

Tamati Tata
The Chair
Hiiona Marae Trustees
8 Kowahi Place
TE KAUWHATA 3710

Teena Koe,

HIIONA MARAE ELECTIONS TO TE KAUHANGANUI

We are in receipt of various materials in relation to a purported election for the purposes of Hiiona Marae representatives for the 2012-2015 triennial period for Te Kauhanganui.

Pursuant to Rule 5 of the Te Kauhanganui Rules, Te Kauhanganui has the responsibility of reviewing and processing election certificates from marae and subsequently publishing the names in the Waikato Times of validly elected Te Kauhanganui representatives for each marae.

After reviewing the materials, Te Kauhanganui has determined that it cannot publish the names of Te Kauhanganui representatives for Hiiona Marae on the following bases:

- **Notice issue** - the notice of the election as published in the Waikato Times did not give notice that the election to be held was to elect representatives to Te Kauhanganui. This is in contrast (for example) to the notice of election for Hiiona Marae on 6 September 2008, which clearly specified that the advertised elections were for Te Kauhanganui representatives. Accordingly, the election has not been properly notified in accordance with Rules 5.1.3 and 5.1.4;
- **Certificate issue** - the certificate furnished by the Marae dated 30 October 2011 is in relation to an election purportedly held at the Marae AGM on 27 March 2011. The certificate is to be certified by the Chairperson and Secretary of the Marae. However, the certificate has not been certified by the persons who held those positions within Hiiona Marae as at the date of the certificate and at best is accordingly defective.

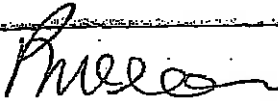
Te Kauhanganui is aware that notwithstanding these deficiencies, the names of the purportedly elected representatives have been published in the Waikato Times. This advertisement was not published with the authority of Te Kauhanganui and so is considered to be of no legal effect under the Rules. Please accept this letter as notice to Hiiona Marae to this effect in relation to the recent Waikato Times advertisement. If required, Te Kauhanganui will issue a corrective advertisement.

TWAIKATŌ TAIŌNUI

As a result of the above notified defects in the election process, Te Kauhanganui cannot presently recognise the elected representatives of Hiona Marae for the 2012-2015 triennial period for Te Kauhanganui, and will await notification of an election held in accordance with Rule 5.1.

This letter is also being copied to the representatives purportedly elected on 27 March 2011 for their information.

Naaku Noa



Parekawhia McLean
Chief Executive

cc: Roimata Katipa, Tania Martin, Donna-Lee Katipa

12 June 2012

LUMLEY CENTRE 88 SHORTLAND ST AUCKLAND 1010
PO BOX 3798 AUCKLAND 1140 NEW ZEALAND
DX CP24061 www.minterellison.co.nz
TELEPHONE +64 9 353 9700 FACSIMILE +64 9 353 9701

Attention Parekawhia McLean

Waikato-Tainui Te Kauhanganui Inc
451 Old Taupiri Road
HOPUHOPU 3792

Tena koe Parekawhia

Election of Te Kauhanganui representatives of Hiona Marae

1. Advice sought

You have asked us to advise in relation to the election of the Te Kauhanganui representatives of the Hiona Marae, and to advise on the options available for Te Arataura and/or Te Kauhanganui with respect to the notice from the Hiona Marae dated 26 May 2012 that Robin Whanga, Frances Borell and Vincent Hohepa were duly elected as the Te Kauhanganui representatives of the Marae at a Hul-aa-Marae held on that day.

2. Facts

Our understanding of the sequence of events is as follows:

- 2.1 **1 March 2011** – Notice of Annual General Meeting of Hiona Marae. The agenda included the "Election of New Trustees and Marae Representatives". It is noted that the Notice does not refer specifically to the election of Marae Representatives to Te Kauhanganui for the 2012/2015 term of office.
- 2.2 **27 March 2011** – Annual General Meeting of Hiona Marae at which there was considerable discussion about whether to keep the 3 current members as representatives to Te Kauhanganui, or to re-elect new representatives. By a show of hands it was voted to keep the 3 current members as the Te Kauhanganui representatives. The Minutes state that the outcome was that all current members will hold their position for another 3 years. There does not appear to be any reference to the 3 years being for the 2012/2015 term of office.
- 2.3 **30 October 2011** – Date of the Election Certificate given to Te Kauhanganui, stating that the Hiona Marae elected Roimata Whanga-Katipa, Tania Martin and Donna-Lee Katipa as Marae representatives. The certificate is certified by Eddie Tukotahi Whanga Katipa as chairperson and Donna-Lee Katipa as secretary. We are advised that on 30 October 2011 the acting chair since 8 June 2011 was Tamati Tata and the acting secretary was Venia Alvy Tata-Hohepa.
- 2.4 **30 October 2011** – Requisition of Special General Meeting of the Hiona Marae to nominate representatives to Te Kauhanganui for the 2012/2015 term of office.

- 2.5 **27 November 2011** – Special General Meeting of Hiiona Marae. Item 3 was the election of Marae representatives. A vote of no confidence was passed in the current Te Kauhanganui representatives. It was then decided to call another Special General Meeting to elect new Marae representatives to allow all interested parties a genuine opportunity to bring about some resolution.
- 2.6 **10 December 2011** – Publication in the Waikato Times of the election result referred to in paragraphs 2.2 and 2.3 above. We are advised that this publication was not authorised by the appropriate officers of Te Kauhanganui.
- 2.7 **22 December 2011** – Letter from the Chief Executive of Te Kauhanganui to the Chair of the Hiiona Marae Trustees advising that Te Kauhanganui cannot publish the names of the Te Kauhanganui representatives for Hiiona Marae referred to in paragraph 2.3 above on the basis of defects in the notice of the election and in the Election Certificate. The letter also noted that the advertisement published in The Waikato Times was published without the authority of Te Kauhanganui and so was considered to be of no legal effect under the Rules. Receipt of this letter was acknowledged by the Chairperson of the Hiiona Marae on 31 January 2012 and that letter contains an acknowledgment and confirmation that the advertising of the election and the Election Certificate were defective.
- 2.8 **12 February 2012** – Triennial Special Meeting of Te Kauhanganui. Objection was taken to Roimata Whanga-Katipā, Tania Martin and Donna-Lee Katipa voting on behalf of the Hiiona Marae, however the Chairperson of the Meeting allowed them to vote on a without prejudice basis.
- 2.9 **26 May 2012** – Annual General Meeting of Hiiona Marae. Item 4 was the election of the Te Kauhanganui representatives. We are advised that the Notice of Meeting made specific reference to the election of Te Kauhanganui Representatives, was mailed out on 3 May 2012, and was advertised in the Waikato Times on 4 May
- 2.10 **31 May 2012** – Te Kauhanganui received scanned copy of Marae Election Certificate dated 26 May 2012 advising that Robin Tukaha Whanga, Frances Borell and Vincent Hohepa were elected by Hui-aa-Marae as the Marae representatives of the Hiiona Marae for Te Kauhanganui for the 2012-2015 term of office. This certificate was certified by Tamati Darrel Tata as Chairperson and Venia Alvy Tata Hohepa as Secretary. The original was received on 8 June 2012

3. **The Rules**

We refer now to the Rules of Waikato-Tainui Te Kauhanganui Incorporated (**Rules**). To all intents and purposes the Rules in force in 2011 are the same as the current rules registered with the Registrar of Incorporated Societies on 25 November 2011. We note the following:

- 3.1 Rule 5.1.3 provides that the three representatives of a Marae shall be elected either:
 - (a) at a Hui-aa-Marae **duly convened for the purpose**; or
 - (b) pursuant to a Postal Ballot.

and (in either case) the election process must give all the members of the Marae a fair and reasonable opportunity to participate in the election.

- 3.2 Rule 5.1.4 provides for written notice to be given to every member of the Marae and a copy of the notice to be published in the Waikato Times not less than 7 clear days before the meeting.
- 3.3 Rule 5.1.5 states that upon the election by a Marae of its representatives, the Marae must give to Te Kauhanganui the Election Certificate, and that as soon as practicable thereafter Te Kauhanganui shall publish the names of the representatives elected by that Marae in The Waikato Times.
- 3.4 Rule 5.1.6 states that a representative elected by a Marae is deemed to be an Elected Member on:
- (a) the date of the Triennial Special Meeting which follows the Triennial General Meeting after which the applicable Marae election was held, if the applicable Election Certificate is received at the registered office of Te Kauhanganui prior to the date of that Triennial Special Meeting; or
 - (b) the date on which the applicable Election Certificate is received at the registered office of Te Kauhanganui, if it is received after the date of that Triennial Special Meeting.

In our view this rule envisages that the elections of Marae representatives should occur in the one month gap between the Triennial General Meeting and the Triennial Special Meeting. It appears that this has not proved to be a workable timetable for Marae and Te Kauhanganui and the practice is for the elections to be held in the 3 or 4 month period prior to the Triennial Special Meeting.

- 3.5 Rule 5.1.8 provides that if within 14 days of the date on which Te Kauhanganui publishes the names of the elected representatives as referred to in paragraph 3.3 above, a written notice signed by not less than 10 members of that Marae is received at the registered office of Te Kauhanganui alleging that the election process adopted by the Marae was contrary to the Rules (and setting out in reasonable detail the grounds of the allegation), then that complaint shall be investigated by Te Arataura in such manner as the members of Te Arataura determine necessary or desirable. Te Arataura shall have the authority to dismiss the complaint or revoke the election of one or more of the representatives of the Marae to which the Election Certificate relates and order fresh elections.
- 3.6 Rule 5.2.2 states that a new Elected Member shall be an Elected Member until the day immediately prior to the next Triennial Special Meeting following the date of his or her election unless the new Elected Member is disqualified from membership pursuant to Rule 5.3.1 prior to the end of that term.
- 3.7 Rule 5.3.1 sets out the grounds upon which a person shall be disqualified from membership as an Elected Member. One of the grounds is that the person acts (whether or not in his or her capacity as an Elected Member) in a manner which has brought or is likely to bring Te Kauhanganui into disrepute as determined by Elected Members who hold at least 50% of the Total Marae Votes.
4. **Application of the Rules to the current situation**
- 4.1 It is our view that the validity of the election of Roimata Whanga-Katipa, Tania Martin and Donna-Lee Walker at the Annual General Meeting of Hiiona Marae held on 27 March 2011 is contestable on the following grounds:

- (a) the election was held at an Annual General Meeting of the Marae in respect of a term of office which would not commence for another 12 months. As referred to in paragraph 3.4 above, the Rules envisage that the election of Marae representatives should take place in the period of 1 month between a Triennial General Meeting and a Triennial Special Meeting. In practice this timetable is not followed, and the elections take place 3 or 4 months before the Triennial Special Meeting at which they are deemed to come into effect, ie the date of the following Triennial Special Meeting. Notwithstanding this practice, it appears to us that it is out of order for the election to take place approximately 12 months prior to the relevant Triennial Special Meeting;
- (b) the early timing of the election is compounded by the wording of the notice of the March 2011 Annual General Meeting. This notice refers to the election of Marae Representatives but does not state that the Marae Representatives referred to are the representatives of the Marae to Te Kauhanganui for the 2012-2015 term of office. As referred to in paragraph 3.1(a) above, the meeting of the Marae to elect the representatives must be duly convened for the purpose;
- (c) at the meeting on 27 March 2011, the current representatives were elected as a group, rather than individually, and no other candidates for election were considered. It is arguable that such an election process does not give all the members of the Marae a fair and reasonable opportunity to participate in the election;
- (d) the Election Certificate in respect of the March 2011 election was not sent to Te Kauhanganui until 30 October 2011. Rule 5.1.5, referred to in paragraph 3.3 above, provides that the Certificate must be given upon the election of the representative. A delay of 7 months in providing a Certificate does not comply with this clause;
- (e) as referred to in paragraph 2.3 above, we are advised that the Election Certificate was not signed by the Chairperson and Secretary of the Hiona Marae on the relevant date but was signed by other persons who did not hold those offices at that date;
- (f) as referred to in paragraph 3.3 above, Rule 5.1.5 provides for Te Kauhanganui to publish the names of the representatives elected as soon as practicable after the date on which the Election Certificate is given to it. We understand that Te Kauhanganui did not authorise the publication of the names of the representatives and that the authorisation was given by persons not qualified to do so;
- (g) Te Kauhanganui and members of the Marae have not acquiesced in the election of Roimata Whanga-Katipa, Tania Martin and Donna-Lee Walker as the Hiona Marae's representatives on Te Kauhanganui for the 2012-2015 term of office. Evidence of this includes the resolutions passed at the 27 November 2011 Special General Meeting as referred to in paragraph 2.5 above, correspondence between Te Kauhanganui and the Hiona Marae, including that referred to in paragraph 2.7 above, various submissions of members of the Hiona Marae, and the decision of the Chairperson of the Triennial Special Meeting held on 12 February 2012 that the voting of the purported representatives of the Hiona Marae was on a without prejudice basis.

5. Options available to Te Kauhanganui

Te Kauhanganui has received an Election Certificate dated 26 May 2012 in respect of the election of Robin Tukaha Whanga, Frances Borell and Vincent Hohepa by Hui-aa-Marae duly convened for the purpose. Under Rule 5.1.5 Te Kauhanganui is obliged to publish the names of those representatives in The Waikato Times. Because of the contestable nature of the election held on 27 March 2011 as set out above, and having particular regard to the fact that the Election Certificate in respect of that election was not properly authorised by Te Kauhanganui, it is our view that Te Kauhanganui should now publish the names of the newly elected representatives in accordance with Rule 5.1.5. Members of the Hiiona Marae will then have 14 days to contest the election process, and it will be the responsibility of Te Arataura to investigate any complaint made and to determine the matter as provided in Rule 5.1.8.

6. We will be pleased to discuss this further with you if required.

Noho ora mai
Minter Ellison Rudd Watts



Peter Rowe
Partner

Contact: Peter Rowe +64 9 353 9746
peter.rowe@minterellison.co.nz
Partner responsible: Peter Rowe +64 9 353 9746
Our reference: 201000016

Appendix "F"

FARM EQUIPMENT

BALE feeder, Duncan side winder SE, latest model. \$5000. 021843863.

CASE MX100C and FEL with 3rd service. \$38,000+gst. (07)871-6265.

CONCRETE Tank Specialist. Water, effluent, septic tanks. Price quoted, delivered to site. Buy Direct. Phone 0800 487 693

INTERNATIONAL on farm service, tractor and baler parts, also International tractors wanted. Ph (07) 889-5853.

KUBOTA TRACTORS

FULL range - new and used. Doug McFarlane Ltd. Ph 0274-968-495.

MF 188, 75 hp, CA loader with bucket and forks + sunroof, tidy order, \$8500 + gst. TRX 400, 2000, tidy order, reg service + roll bar and 50 ltr Bertolini sprayer, \$4000 + gst. Ph 02102830178

MILK vat, s/s, 2700 ltr, stirrer and lids, exc cond. \$3000. 021843863.

PADDOCK Sale, open now. Old vintage cars, old farm gear, plus 2 tractors and trailers and implements. Transporter 2 axle and old dozer spares and sundries. At 738 Whatawhata Rd, Hamilton (07) 8477846.

WANTED to buy pigtail electric fence standards. Phone 07-872-7804.

WANTED. Used Belarus Tractors in any condition. Please call 0800 888343

WANTED. Used Ford Tractors in any condition. Please call 0800 888343

WANTED. Used Massey Ferguson Tractors in any condition. Please call 0800 888343

CARS FOR SALE

BOAT and vehicle package. 1992 Pajero 4WD, SWB, Reg. WOF, runs well plus V16.3 Haines Hunter. New seats, carpet, fish finder, VHF, 120HP, Tohatsu, life jackets. All in good order. \$8000 lot. Ph 07 828 7188 after 6pm.

DEPOSIT \$50

\$50 down, \$50pw, 4WD, people movers, big cars, small cars, sports cars. Txt/ph Riki, 022 126 7310.

FORD Telstars 92 and 94 sedans. 2 litre, 1 auto 1 manual, tidy. \$1500ea. (07) 8478614

MITSUBISHI Mirage, 1994, sedan, 1500 auto, \$1550. Ph 847-8614.

CARS WANTED

RELIABLE safe car up to 1500cc low kms \$2000-\$2500 07 8493720.

TOP CASH FOR CARS

We pay min \$200-\$7000 for any vehicle. \$500-\$7000 for any Ute, Van, Truck, 4WD. Ph: 0800 31 41 42. (Conds apply, selected items only)

MACHINERY

DISMANTLING EARTHMOVING EQUIPMENT: Komatsu PC100-3, Dresser 510 Loader, Hough 30 Loader good tyres. We stock a comprehensive range of parts for most makes and models of earthmoving equipment. Ph Hamilton Tractor Parts Ltd, 07 847 8449 a/h 07 854 1123.

MACHINERY

FOR SALE EARTHMOVING EQUIPMENT: Komatsu PC120 Track Base, good track gear. Log Max 750 and 5000. Ph Hamilton Tractor Parts Ltd, Ph Hamilton Tractor Parts Ltd, 07 847 8449 a/h 07 854 1123.

PUBLIC NOTICES

Waikato Regional Rowing Performance Centre Inc Annual General Meeting
At
Wednesday 27th June, 7.30pm
At
Rowing NZ High Performance Centre Karapiro
Ian Clotworthy, Secretary

Hamilton East School

Board of Trustees Casual Vacancy for an Elected Trustee
A casual vacancy has occurred on the board of trustees for an elected parent representative. The board has resolved under section 105 of the Education Act 1989 to fill the vacancy by selection. If ten percent or more of eligible voters on the school roll ask the board, within 28 days of this notice being published, to hold a by-election to fill the vacancy, then a by-election will be held. Any eligible voter who wishes to ask the board to hold a by-election should write to:
Chairperson
Board of Trustees
Hamilton East School
Dawson St
Hamilton
by: 14th July 2012

UPOKOTAUAKI 1B BLOCK - 82 EGMONT ROAD NEW PLYMOUTH

To satisfy the offer back of surplus railway land requirements of sections 23 and 26 of the New Zealand Railways Corporation Restructuring Act 1990 information is required in relation to the people named below who were formerly owners of Upokotauaki 1B Block (1.84 hectares described on plan SO 11438), located at 82, Egmont

PUBLIC NOTICES

KARINA HALL
(MAIDEN name) please contact "Uncle Snow" (Alynn Nelson) on 027-246-9705.

TAMAINUPO HUI

Saturday, 30 June 2012, at 11am.
Mauenukukifewhenua Marae, 319 Ohautira Rd.

PUBLIC NOTICES

Maungatautari 5A1C3B Ahu Whenua Trust
AGM
Waimakariri Marae
Victoria Rd, Hamilton
Sunday 8th July at 11am
Agenda: Standard
Election of New Trustees
Contact No. 07 2100028

PUBLIC NOTICES

Warm Up Your Home For Winter
FREE energy efficiency seminar presented by HCC's Eco Design Advisor. Make your home warm and healthy this winter. June 27pm Wintec, Hamilton.
Register with organiser on megan@greenme.org.nz or 021 414 529.

ADVERTISEMENT FOR CREDITOR'S APPLICATION FOR ADJUDICATION AND SUMMONS TO DEBTOR

CIV-2012-418-438
TO: IETA TASI (also known as IETA POMAT) Address Unknown, former of 10 James Her Crescent, Huntly
TAKE NOTICE that summons under Insolvency Act 2006 has been issued out of the High Court of New Zealand Hamilton on 5 June 2012 requiring you to attend before the High Court Hamilton on Monday, July 2012 at 10.00am show cause why you should not be adjudged bankrupt **UPON THE GROUNDS** that you have committed an act of bankruptcy as set in the Creditor's Application **AND FURTHER TAKE NOTICE** that an Order has been made that service of the Summons accompanying Credit Application and Support Affidavit be effected by advertisement.
A copy of the Summ Creditor's Application Supporting Affidavit forwarded to you application to the office of the Petitioning Credit Whangarei office of Revenue, 72-82 Street, P O Box 1649 the office of the High Hamilton.
DATED this 5th day of 2012
R D Johnson
Deputy Registrar
High Court Hamilton
Zealand
Any person known whereabouts of above named IETA (also known as POMATE) is asked to this notice to their at This advertisement

TE KAUHANGANUI INCORPORATED ELECTIONS 2012-2015

The following members have been elected by beneficiaries of the respective Marae as representatives for the 2012-2015 term of office.

- MARAE:** Hiona
- KAUMAATUA REPRESENTATIVE:** Robin Tukaha WHANGA
- MARAE REPRESENTATIVE:** Frances BORELL
- RANGATAHI REPRESENTATIVE:** Vincent HOHEPA

In accordance with Rule 5.1 of the Te Kauhanganui Incorporated Rules, members have 14 days from the publication of this notice to lodge with the Secretary at the Registered Office of Te Kauhanganui, Private Bag 542, Ngaaruwaaahia, any complaint that the election process adopted did not comply with Rule 5.1. Any such complaint must be signed by not less than 10 members of the Marae and set out the grounds of the complaint in reasonable detail.

ADVERTISING TERMS AND CONDITIONS

- In entering an advertisement (including a notice) for publication, and in publishing it we are doing so in consideration of and for payment on the advertiser's express authority, the truth of which is essential.
- The advertiser warrants that the advertisement does not contain anything that is defamatory or likely to be defamatory or obscene or which otherwise breaches the Fair Trading Act 1986, that it does not violate any law, or which otherwise breaches any intellectual or industrial property rights, that it does not breach any provision of any statute, regulation, by-law or other rule or law, and
- The advertiser warrants that the advertisement complies in every way with the Advertising Code of Practice issued by the Advertising Standards Authority Inc ("ASA") and with every other code of industry standard relating to advertising in New Zealand, and
- Publication of the advertisement will not give rise to any liability on our part or to a claim being made against us.
- The advertiser agrees to indemnify us against all losses or costs (including directly or indirectly from any breach of those warranties) by the advertiser and from our costs (incurred in our making corrections or amendments in accordance with the terms that follow).
- By supplying or placing an advertisement for publication, the advertiser grants us a perpetual, royalty free license to reproduce the advertisement in any print or electronic advertising media we offer, advertisers now or in the future.
- Where the advertiser utilizes any aspect of our creative services in the design or production of an advertisement (including photographs or features within the advertisement), we acknowledge that we own the copyright in such work and that such work is not work for which a commission or payment has been made or agreed.
- We may refuse to publish an advertisement or advertisement from publication without giving any reason.
- We may publish the advertisement on the next available day if there is an error or delay in publication of the advertisement as booked.
- We may correct or amend advertising to conform to style or for other genuine reasons as long as we do so in a timely, reasonable manner.
- We may take orders for advertising in specific spaces (space orders). The space may be used only by the advertiser or advertising of the advertiser's usual business and may not be transferred by the advertiser to another person.
- The guarantees contained in The Consumer Guarantees Act 1993 are excluded when the advertiser books or holds interest in an acquisition, goods or services from us for the purpose of a business.
- The advertiser must tell us as soon as possible if there is an error or omission in any advertisement the advertiser has placed. We will not be liable for any indirect or consequential loss (which includes loss of contract or profit) or an error or omission or failure to publish and if we are found to have any direct liability for any circumstances that liability is limited to the cost of the space of the advertisement.
- To cancel an advertisement a cancellation number must be obtained from us.
- The charge for an advertisement will be in accordance with the published rate card applying at the time for

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- Mechanical repairs
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