

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]

House of Representatives, 6 December 1988.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. K. T. Wetere

MAORI TRUST BOARDS AMENDMENT

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No. 65—2

Price
incl. GST \$2.00

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A BILL INTITULED

An Act to amend the Maori Trust Boards Act 1955, and to establish Te Runanga o Ngati Awa, the Hauraki Maori Trust Board, the Maniapoto Maori Trust Board, the Whanganui River Maori Trust Board, and Te Runanga o Ngati Whatua as Maori Trust Boards within the meaning of that Act 5

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

1. Short Title and commencement—(1) This Act may be cited as the Maori Trust Boards Amendment Act 1988, and shall be read together with and deemed part of the Maori Trust Boards Act 1955* (hereinafter referred to as the principal Act). 10

(2) This Act shall come into force on the 28th day after the date on which it receives the Royal assent. 15

2. New heading and sections (relating to Councils) inserted—The principal Act is hereby amended by inserting, after section 23, the following heading and sections:

“Councils” 20

“23A. Council of elders—(1) Each Board may from time to time, by resolution, appoint a council of elders to be known by such name as the Board may decide.

“(2) The principal function of the council of elders shall be to advise the Board on all matters involving tikanga, te reo, and kawa. 25

“(3) The council of elders shall comprise such of the kaumatua of the beneficiaries as the Board may decide to appoint from time to time after consulting the kaumatua.

“23B. Council of young people—(1) Each Board may from time to time, by resolution, appoint a council of young people to be known by such name as the Board may decide. 30

“(2) The principal function of the council of young people shall be to advise the Board on the needs and interests of the young people among the beneficiaries. 35

“24F. Board may contract to provide services to other bodies—A Board may contract to provide administrative, secretarial, accounting, or other services to any Maori incorporation, trust, or other body if the shareholders, beneficiaries, or members of the incorporation, trust, or other body, or a majority of them, are beneficiaries of the Board.”

4. Invitation of nominations—Section 46 (2) (b) of the principal Act is hereby amended by omitting the words “Tribal Executives and Tribal Committees constituted under the Maori Social and Economic Advancement Act (1962) 1945”, and substituting the words “Maori Committees, Maori Executive Committees, and District Maori Councils constituted under the Maori Community Development Act 1962”.

5. Names of persons elected to be transmitted to Secretary for Maori Affairs—Section 49 of the principal Act is hereby amended by adding the following subsection:

“(3) If, on receiving under subsection (1) of this section the names of the persons elected as members of the Board, the Secretary for Maori Affairs has good reason to believe that—

“(a) The name of any person has been included incorrectly, in that the person was not qualified to be, or was not duly, elected; or

“(b) The name of any person has been excluded incorrectly, in that the person was qualified to be, and was duly, elected,—

the Secretary shall forthwith report the matter to the Minister.”

6. Investigation of conduct and result of election—The principal Act is hereby amended by inserting, after section 53, the following section:

“53A. (1) Where in the opinion of the Minister (whether based on a report under **section 49 (3)** of this Act or otherwise) it appears that irregularities may have occurred in respect of any election under this Act, the Minister may apply to a Judge of the Maori Land Court to investigate the conduct or result of the election.

“(2) On receiving any such application, the Judge shall fix a place, date, and time for the commencement of the investigation, and shall give notice of those matters, and of the purposes of the investigation, to the Secretary of the Board and to the Returning Officer.

“(3) The Judge may require the Secretary or the Returning Officer to produce all such enrolment applications,

nominations, ballot papers, and other particulars relating to the election and under the control of the Secretary or the Returning Officer as the Judge may specify.

5 “(4) The Judge shall investigate each specific matter relating to the election as the Minister may require in the application, and may investigate any other matter relating to the election as appears to the Judge to warrant investigation.

“(5) If, after completing the investigation, the Judge is satisfied—

10 “(a) That the election was conducted in accordance with the principles laid down in this Part of this Act; and

“(b) That any irregularity, failure, or mistake that occurred in the conduct of the election did not affect the result of the election; and

15 “(c) That the result of the election is clear,—
the Judge shall declare the result of the election, and shall send to the Minister the names of the persons elected as members of the Board and, where necessary, the section or division of the beneficiaries that each such person is elected to represent.

20 “(6) If, after completing the investigation, the Judge is not satisfied of each of the matters specified in **subsection (5)** of this section, the Judge shall report his or her findings to the Minister, and recommend such action as the Judge thinks desirable, whether under section 55 or section 55A of this Act
25 or otherwise.

“(7) In any particular case, the Judge may, instead of dealing with the application under this section personally, appoint some other person, being a barrister or solicitor of the High Court of at least 7 years’ standing, to conduct the investigation;
30 and in any such case, the provisions of **subsections (2) to (6)** of this section shall be read as if every reference to the Judge were a reference to that other person.”

7. Regulations—(1) Section 56 (3) of the principal Act is hereby amended by adding the following paragraph:

35 “(d) Limiting or regulating the rights of persons who do not reside in the appropriate area to stand for election, or to nominate any candidate for election, or to vote in an election.”

(2) Section 56 of the principal Act is hereby further amended
40 by inserting, after subsection (3) (as amended by **subsection (1)** of this section) the following subsection:

“(3A) Any regulations made pursuant to **subsection (3) (d)** of this section shall have effect according to their tenor notwithstanding anything to the contrary in this Act.”

PART I

TE RUNANGA O NGATI AWA

8. Interpretation—In this Part of this Act,—

“Nga uri o nga hapu o Ngati Awa” means the descendants
of the hapu of Ngati Awa: 5

“Te Runanga” means Te Runanga o Ngati Awa
constituted by **section 10** of this Act.

9. Part to bind Crown—This Part of this Act shall bind the
Crown.

10. Te Runanga o Ngati Awa constituted—(1) There is 10
hereby constituted a body corporate to be known as Te
Runanga o Ngati Awa, which shall be a Maori Trust Board
within the meaning and for the purposes of the Maori Trust
Boards Act 1955, and, subject to the provisions of this Part of
this Act, the provisions of that Act shall apply accordingly. 15

(2) The beneficiaries of Te Runanga shall be nga uri o nga
hapu o Ngati Awa.

11. Initial membership of Te Runanga—(1) As soon as
practicable after the commencement of this Act, the Governor-
General shall, on the recommendation of the Minister of Maori 20
Affairs, appoint such number of persons not exceeding 23 as
the Minister thinks fit to be the initial members of Te Runanga.

(2) One of those members shall be appointed after
consultation by the Minister with, and to represent, the
kaumatua of Ngati Awa, and another of those members shall 25
be appointed after consultation by the Minister with, and to
represent, the young people among the beneficiaries.

(3) Each initial member of Te Runanga (other than the 2
members referred to in **subsection (2)** of this section) shall hold
office until his or her successor is elected and comes into office 30
under **subsection (4)** of this section.

(4) Te Runanga shall cause to be prepared a roll containing
the names and addresses of all adult beneficiaries of Te
Runanga, and Te Runanga and the Secretary of Te Runanga 35
shall do everything necessary, in accordance with Part III of the
Maori Trust Boards Act 1955, to hold an election of members
of Te Runanga.

(5) If, by regulations made under section 56 of the Maori
Trust Boards Act 1955, the Governor-General makes provision
for the representation of specific sections or divisions of the 40
beneficiaries of Te Runanga, the roll prepared under **subsection**

(4) of this section shall also show the section or division to which each beneficiary belongs.

12. Membership of Te Runanga following elections—

From the first election of members, the membership of Te Runanga shall be as follows:

- 5 (a) Twenty-one members elected by the beneficiaries in accordance with regulations made under section 56 of the Maori Trust Boards Act 1955:
- 10 (b) One member, appointed by the Governor-General on the recommendation of the Minister and without election, nominated by and representing Te Kahui Kaumatua constituted under **section 13** of this Act:
- 15 (c) One member, appointed by the Governor-General on the recommendation of the Minister and without election, nominated by and representing Te Huinga Rangatahi constituted under **section 14** of this Act.

13. Te Kahui Kaumatua—(1) Te Runanga shall from time to time, by resolution, appoint a council of kaumatua to be known as Te Kahui Kaumatua.

20 *Struck Out*

(2) The principal function of Te Kahui Kaumatua shall be to advise Te Runanga on all matters involving tikanga, te reo, and kawa.

New

25 (2) The primary responsibility of Te Kahui Kaumatua, in association with Te Runanga, shall be to protect the mauri of Ngati Awa, and to call a hui of all sections of Te Runanga if at any time Te Kahui Kaumatua believes that the mauri of Ngati Awa is in danger.

30 (2A) Te Kahui Kaumatua shall also advise Te Runanga on all matters involving tikanga, te reo, and kawa.

(3) Te Kahui Kaumatua shall comprise such of the kaumatua of the beneficiaries as Te Runanga may decide to appoint from time to time after consulting the kaumatua.

14. Te Huinga Rangatahi—(1) Te Runanga shall from time to time, by resolution, appoint a council of young people to be known as Te Huinga Rangatahi.

(2) The principal function of Te Huinga Rangatahi shall be to advise Te Runanga on the needs and interests of the young people among the beneficiaries. 5

(3) Te Huinga Rangatahi shall comprise such of the young people among the beneficiaries as Te Runanga may decide to appoint from time to time after consulting the young people.

15. Annual hui—(1) Te Runanga shall in every year hold a hui at which it shall report on its activities and its plans for the future to the beneficiaries. 10

(2) Not later than 3 months before the date of the proposed hui in any year, the Secretary of Te Runanga shall cause public notice to be given to the beneficiaries of Te Runanga of the date and place of the proposed hui. 15

(3) Section 46 (2) of the Maori Trust Boards Act 1955 shall apply to every public notice required to be given under subsection (2) of this section.

16. Bank accounts—The bank account into which all money belonging to Te Runanga is required by section 28 (1) of the Maori Trust Boards Act 1955 to be paid shall be called “Te Runanga o Ngati Awa Account”. 20

17. Character, mana, and reputation restored—He panui tenei ki te motu katoa, ka tutuki ana tenei Ture, koinei te wa e whakahokia ai ki a ratou te ihi, te mana, te tapu o nga tangata o Ngati Awa i mauhereheretia, i whakawakia i te tau 1865, ki o ratou whanau hoki, ki o ratou iwi, tae atu ki a Ngati Awa whanui. Ka wetekina katoatia nga whiu o te ture i pa ki a ratou i roto i nga pakanga whenua o Te Tau 1865. 25 30

It is hereby declared that after the passing of this Part of this Act the character, mana, and reputation of the persons of Ngati Awa descent who were arrested, tried, and labelled as rebels in or about 1865 is restored to them and their whanau and to the iwi of Ngati Awa as a whole, and a full pardon is hereby granted to them in respect of all matters arising out of the land wars in 1865. 35

18. Certain trust money to be held for and paid to Te Runanga—(1) As from the date of the commencement of this Act, the trustees of the Ngati Awa Trust Board shall hold all 40

money belonging to the Trust at that date for Te Runanga, and all such money shall be paid to Te Runanga upon request.

(2) A receipt duly signed on behalf of Te Runanga for the money shall be a sufficient discharge for the trustees, and they shall not be concerned to see to the application of the money.

PART II

HAURAKI MAORI TRUST BOARD

19. Interpretation—In this Part of this Act, “the Board” means the Hauraki Maori Trust Board constituted by section 21 of this Act.

20. Part to bind Crown—This Part of this Act shall bind the Crown.

21. Hauraki Maori Trust Board constituted—(1) There is hereby constituted a body corporate to be known as the Hauraki Maori Trust Board, which shall be a Maori Trust Board within the meaning and for the purposes of the Maori Trust Boards Act 1955, and, subject to the provisions of this Part of this Act, the provisions of that Act shall apply accordingly.

Struck Out

(2) The beneficiaries of the Board shall be Ngati Hako, Ngati Hei, Ngati Maru, Ngati Paoa, Ngati Patukirikiri, Ngati Porou ki Harataunga, Ngati Pukenga, Ngati Rahiri-Tumutumu, Ngai Tai, Ngati Tamatera, Ngati Tara Tokanui, and Ngati Whanaunga.

New

(2) The beneficiaries of the Board shall be the descendants of Ngati Hako, Ngati Hei, Ngati Maru, Ngati Paoa, Patukirikiri, Ngati Porou ki Harataunga ki Mataora, Ngati Pukenga ki Waiiau, Ngati Rahiri-Tumutumu, Ngai Tai, Ngati Tamatera, Ngati Tara Tokanui, and Ngati Whanaunga.

22. Membership of Board—(1) As soon as practicable after the commencement of this Act, the Governor-General shall, on the recommendation of the Minister of Maori Affairs, appoint such number of persons not exceeding 12 as the Minister thinks fit to be the initial members of the Board.

(2) Each initial member of the Board shall hold office until his or her successor is elected and comes into office under **subsection (3)** of this section.

(3) The Board shall cause to be prepared a roll containing the names and addresses of all adult beneficiaries of the Board, and, as soon as practicable thereafter and not later than 2 years after the date of the commencement of this Act, the Board and the Secretary to the Board shall do everything necessary, in accordance with Part III of the Maori Trust Boards Act 1955 to hold an election of members of the Board.

(4) If, by regulations made under section 56 of the Maori Trust Boards Act 1955, the Governor-General makes provision for the representation of specific sections or divisions of the beneficiaries of the Board, the roll prepared under **subsection (3)** of this section shall also show the section or division to which each beneficiary belongs.

23. Annual hui—(1) The Board shall in every year hold a hui at which it shall report on its activities and its plans for the future to the beneficiaries.

(2) Not later than 2 months before the date of the proposed hui in any year, the Secretary of the Board shall cause public notice to be given to the beneficiaries of the Board of the date and place of the proposed hui.

(3) Section 46 (2) of the Maori Trust Boards Act 1955 shall apply to every public notice required to be given under **subsection (2)** of this section.

PART III

MANIAPOTO MAORI TRUST BOARD

24. Interpretation—In this Part of this Act, unless the context otherwise requires,—

“Board” means the Maniapoto Maori Trust Board constituted by **section 26** of this Act:

“Regional Management Committee” means a Regional Management Committee constituted under **section 30** of this Act:

“Te Arikinui” means the head of the Kahui Ariki for the time being recognised by the Tainui tribes:

“Te Mauri o Maniapoto” means the council of elders appointed under **section 29** of this Act.

25. Part to bind Crown—This Part of this Act shall bind the Crown.

26. Maniapoto Maori Trust Board constituted—

(1) There is hereby constituted a body corporate to be known as the Maniapoto Maori Trust Board, which shall be a Maori Trust Board within the meaning and for the purposes of the Maori Trust Boards Act 1955, and, subject to the provisions of this Part of this Act, the provisions of that Act shall apply accordingly.

(2) The beneficiaries of the Board shall be the members of the Maniapoto tribe and their descendants.

27. Initial membership of Board—(1) As soon as practicable after the commencement of this Act, the Governor-General shall, on the recommendation of the Minister of Maori Affairs, appoint such number of persons not exceeding 14 as the Minister thinks fit to be the initial members of the Board.

(2) One of those members shall be appointed on the nomination, and to represent, Te Arikinui, and another of those members shall be appointed after consultation by the Minister with, and to represent, the kaumatua of the Maniapoto tribe.

(3) Each initial member of the Board (other than the 2 members referred to in **subsection (2)** of this section) shall hold office until his or her successor is appointed and comes into office under **subsection (4)** of this section.

(4) The Board shall cause to be prepared a roll containing the names and addresses of all adult beneficiaries of the Board, and, as soon as practicable thereafter, the Board and the Secretary of the Board shall do everything necessary, in accordance with Part III of the Maori Trust Boards Act 1955, to hold an election of members of the Board.

28. Membership of Board following elections—From the first election of members, the membership of the Board shall be as follows:

- (a) Six members elected by the beneficiaries in accordance with regulations made under section 56 of the Maori Trust Boards Act 1955:
- (b) Six members elected by the Regional Management Committees in accordance with those regulations:
- (c) One member, appointed by the Governor-General on the recommendation of the Minister and without election, nominated by and representing Te Arikinui:
- (d) One member, appointed by the Governor-General on the recommendation of the Minister and without election, nominated by and representing Te Mauri o Maniapoto.

29. Te Mauri o Maniapoto—(1) The Board shall from time to time, by resolution, appoint a council of elders to be known as Te Mauri o Maniapoto.

(2) The principal function of Te Mauri o Maniapoto shall be to advise the Board on matters involving tikanga, te reo, and kawa. 5

Struck Out

(3) Te Mauri o Maniapoto shall comprise such of the kaumatua of the Maniapoto tribe as the Board may decide to appoint from time to time after consulting the kaumatua. 10

New

(3) Te Mauri o Maniapoto shall comprise the kaumatua of the Maniapoto tribe.

30. Regional Management Committees—(1) For the purposes of this Act, there shall be such number of Regional Management Committees as is specified in regulations made under section 56 of the Maori Trust Boards Act 1955. 15

(2) Each Regional Management Committee shall comprise persons elected in accordance with those regulations to represent the various marae specified in the regulations. 20

(3) The Board shall have the same power to delegate any of its powers and duties to a Regional Management Committee as it has under section 20 of the Maori Trust Boards Act 1955 in respect of Committees appointed by the Board under that section, and the provisions of that section shall apply with any necessary modifications. 25

(4) Sections 21 to 23 of the Maori Trust Boards Act 1955 shall also apply with any necessary modifications to Regional Management Committees.

31. Annual hui—(1) The Board shall in every year hold a hui at which it shall report on its activities and its plans for the future to the beneficiaries. 30

(2) Not later than 3 months before the date of the proposed hui in any year, the Secretary of the Board shall cause public notice to be given to the beneficiaries of the Board of the date and place of the proposed hui. 35

(3) Section 46 (2) of the Maori Trust Boards Act 1955 shall apply to every public notice required to be given under subsection (2) of this section.

PART IV

5 WHANGANUI RIVER MAORI TRUST BOARD

32. Interpretation—In this Part of this Act, “the Board” means the Whanganui River Maori Trust Board constituted by section 34 of this Act.

33. Part to bind Crown—This Part of this Act shall bind
10 the Crown.

34. Whanganui River Maori Trust Board constituted—
(1) There is hereby constituted a body corporate to be known as the Whanganui River Maori Trust Board, which shall be a
15 the Maori Trust Boards Act 1955, and, subject to the provisions of this Part of this Act, the provisions of that Act shall apply accordingly.

(2) The beneficiaries of the Board shall be the descendants of the hapu of Tama Upoko, Hinengakau, and Tupoho.

20 **35. Membership of Board**—(1) As soon as practicable after the commencement of this Act, the Governor-General shall, on the recommendation of the Minister of Maori Affairs, appoint such number of persons not exceeding 9 as the Minister thinks fit to be the initial members of the Board.

25 (2) Each initial member of the Board shall hold office until his or her successor is elected and comes into office under subsection (3) of this section.

(3) The Board shall cause to be prepared a roll containing the names and addresses of all adult beneficiaries of the Board,
30 and, as soon as practicable thereafter, the Board and the Secretary of the Board shall do everything necessary, in accordance with Part III of the Maori Trust Boards Act 1955, to hold an election of members of the Board.

(4) If, by regulations made under section 56 of the Maori
35 Trust Boards Act 1955, the Governor-General makes provision for the representation of specific sections or divisions of the beneficiaries of the Board, the roll prepared under subsection (3) of this section shall also show the section or division to which each beneficiary belongs.

36. Board to negotiate outstanding claims—In addition to the functions conferred on the Board by section 24 of the Maori Trust Boards Act 1955, the Board shall from time to time negotiate with the Government, or any other body or authority concerned, for the settlement of all outstanding claims relating to the customary rights and usages of te iwi o Whanganui, or any particular hapu, whanau, or group, in respect of the Whanganui River, including the bed of the river, its minerals, its water, and its fish.

37. Annual hui—(1) The Board shall in every year hold a hui at which it shall report on its activities and its plans for the future to the beneficiaries.

(2) Not later than 3 months before the date of the proposed hui in any year, the Secretary of the Board shall cause public notice to be given to the beneficiaries of the Board of the date and place of the proposed hui.

(3) Section 46 (2) of the Maori Trust Boards Act 1955 shall apply to every public notice required to be given under subsection (2) of this section.

PART V

TE RUNANGA O NGATI WHATUA

38. Interpretation—In this Part of this Act, “Te Runanga” means Te Runanga o Ngati Whatua constituted by section 41 of this Act.

39. Part to bind Crown—This Part of this Act shall bind the Crown.

40. Te Runanga o Ngati Whatua constituted—(1) There is hereby constituted a body corporate to be known as Te Runanga o Ngati Whatua, which shall be a Maori Trust Board within the meaning and for the purposes of the Maori Trust Boards Act 1955, and, subject to the provisions of this Part of this Act, the provisions of that Act shall apply accordingly.

(2) The beneficiaries of Te Runanga shall be the descendants of Haumoewarangi, (*te*) a tupuna o Ngati Whatua.

41. Membership of Te Runanga—(1) As soon as practicable after the commencement of this Act, the Governor-General shall, on the recommendation of the Minister of Maori Affairs, appoint such number of persons not exceeding 11 as the Minister thinks fit to be the initial members of Te Runanga.

(2) Each initial member of Te Runanga shall hold office until his or her successor is elected and comes into office under subsection (3) of this section.

5 (3) Te Runanga shall cause to be prepared a roll containing the names and addresses of all adult beneficiaries of Te Runanga, and Te Runanga and the Secretary of Te Runanga shall do everything necessary, in accordance with Part III of the Maori Trust Boards Act 1955, to hold an election of members of Te Runanga.

10 **42. Functions, objects, and powers**—In performing the functions conferred on it by section 24 of the Maori Trust Boards Act 1955, Te Runanga shall consult with other tribal authorities concerned with the administration of resources for the benefit of members of the Ngati Whatua tribe, with the
15 objective of bringing the assets of the whole tribe under a unified administration, thereby reaffirming tribal identity, while still preserving local autonomy.

43. Te Kohanganui—(1) Te Runanga shall from time to time, by resolution, appoint a council of elders to be known as
20 ~~(Te Kohanganui)~~ Te Kauhanganui.

Struck Out

(2) The principal function of Te Kohanganui shall be to advise Te Runanga on all matters involving tikanga, te reo, and kawa.

25

New

(2) The principal function of Te Kauhanganui shall be to advise Te Runanga on all matters involving Ngati Whatua lore.

(3) Te ~~(Kohanganui)~~ Kauhanganui shall comprise such of the kaumatua of the beneficiaries as Te Runanga may decide to
30 appoint from time to time after consulting the kaumatua.

44. Annual hui—(1) Te Runanga shall in every year hold a hui at which it shall report on its activities and its plans for the future to the beneficiaries.

(2) Not later than 3 months before the date of the proposed
35 hui in any year, the Secretary of Te Runanga shall cause public

notice to be given to the beneficiaries of Te Runanga of the date and place of the proposed hui.

(3) Section 46 (2) of the Maori Trust Boards Act 1955 shall apply to every public notice required to be given under subsection (2) of this section.

5.

45. Bank accounts—The bank account into which all money belonging to Te Runanga is required by section 28 (1) of the Maori Trust Boards Act 1955 to be paid shall be called “Te Runanga o Ngati (*Awa*) Whatua Account”.